

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
ORGANIZATIONAL SESSION, 1991
REGULAR SESSION, 1991
VOL. 1



GUY HUNT, Governor
JIM FOLSOM, JR., Lieutenant Governor
RYAN deGRAFFENRIED, President Pro-Tem of the Senate
JAMES S. CLARK, Speaker of the House
JAMES M. CAMPBELL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House
(Organizational Session)
GREG PAPPAS, Clerk of the House (Regular Session)

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1991 Organizational Session and 1991 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Billy Joe Camp
Secretary of State

Good laws lead to the making of better ones; bad ones bring about worse. As soon as any man says of the affairs of the State 'What does it matter to me?' the State may be given up for lost.

Jean Jacques Rousseau
Social Contract

The public's right to know about their government's activities is a sacred one protected by the United States Constitution, the Alabama Constitution, and the Code of Alabama.

But that right carries a responsibility. If citizens do not actively participate in and monitor the business of government, then as the eighteenth-century French philosopher Rousseau pointed out, the very existence of the free state is in jeopardy.

In keeping with that belief, Alabama law requires that the Secretary of State publish and make available all the acts of the Alabama Legislature. Contained within this volume are the acts passed in the 1991 organizational and regular sessions. Many people worked to make this volume possible including McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives (Organizational Session); Greg Pappas, Clerk of the House of Representatives (Regular Session); Joyce Bishop and Julie Saint, enrolling and engrossing clerks; Dodie Pappanastos and Helen Thorington, technical proofreaders; Dannie Shockley, Recording Secretary for the Governor; Louis Greene, Director of the Legislative Reference Service; and Hannah M. Bates and Rosemary Judkins of the Secretary of State's office.

Freedom's best protection is an informed citizenship; therefore, we take pride in making these new laws accessible to you.

Billy Joe Camp
Secretary of State

ALABAMA LAWS
And Joint Resolutions
ORGANIZATIONAL SESSION, 1991

Act No. 91-1

H.J.R. 2 — Rep. Campbell

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transact business.

Approved January 25, 1991

Time: 3:50 P.M.

Act No. 91-2

H.J.R. 4 — Rep. Campbell

HOUSE JOINT RESOLUTION

CREATING A LEGISLATIVE PARKING COMMITTEE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

Approved January 25, 1991

Time: 3:52 P.M.

Act No. 91-3

H.J.R. 6 — Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS AND JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 8, 1991, they adjourn to meet again on Wednesday, January 9, 1991.

BE IT FURTHER RESOLVED, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:15 A.M. January 9, 1991, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the General Election held on November 6, 1990, as required by Section 115 of the Constitution of Alabama.

Approved January 25, 1991

Time: 3:51 P.M.

Act No. 91-4

H.J.R. 7 — Rep. Campbell

HOUSE JOINT RESOLUTION

SETTING JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:30 A.M. Wednesday, January 9, 1991, for the purpose of receiving the written comparisons, analyses, recommendations and proposed legislation from the Chairman of the Alabama Commission on Tax and Fiscal Policy Reform as required by Act No. 90-734 of the 1990 Regular Session of the Legislature.

Approved January 25, 1991

Time: 3:53 P.M.

Act No. 91-5

H.J.R. 8— Rep. Campbell

HOUSE JOINT RESOLUTION

SETTING JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 11:00 A.M. Wednesday, January 9, 1991, for the purpose of receiving the report of findings, conclusions and recommendations, including specific legislation, from the Joint Interim Legislative Committee to Study the Funding and Allocation of Revenues for Elementary/Secondary Schools in Alabama as required by Act No. 90-503 of the 1990 Regular Session of the Legislature.

Approved January 25, 1991

Time: 3:54 P.M.

Act No. 91-6

H.J.R. 9 — Reps. Clark (J), Harper, Butler, Williams, Johnson, Hooper, Haynes, Dolbare, Hogan, Freeman, Letson, Rogers (F), Millican, Rogers (J), Barnes, Curry, Powell, McClain, Turnham, Carter, Cagle, Starkey, Smith (C), Hall, Flowers, Higginbotham, Carothers, Hawkins, Gullatt, Parker (P), Beasley, Penry, Kennedy, Black (M), Kvalheim, Zoghby, Rockhold, Harvey, Campbell, Fuller, Newman, Mathis, Gaston, Morrow, McDaniel, Ford, Burke, Box, Hamilton, Hammett, Walker, McKee, Newton (C), Richardson, Rich, Parker (T), Blakeney, McMillan, Black (L), Cosby, Lindsey, Buskey (JL), Clark (W), Layson, Bryant, Sanderford, Brooks, Smith (R),

Melton, Venable, Cullins,
 Turner, Goodwin, Mikell,
 Spratt, Bowling, Thomas,
 Carns, Bugg, Willis, Laird,
 Poole, Knight, Holmes,
 Anderson, Biddle, Buskey (JE),
 Clay, Crow, Drake, Gaines,
 Grayson, Hill, Holladay,
 Holley, McDowell, Morton,
 Newton (D), Payne, Perdue,
 Petelos, Sanderson, Warren,
 White

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT BUSH AND OF U. S. TROOPS IN SAUDI ARABIA.

WHEREAS, it is with inordinate pride that the Alabama Legislature publicly speaks in support of President Bush and of our stalwart troops in the Middle East, many thousands of whom are brave sons and daughters of Alabama who stand ready to help stem the tide of aggression heralded by the attack and invasion of Kuwait by Iraqi troops, August 2, 1990, which kindled an international crisis; and

WHEREAS, this unprovoked assault and subsequent take-over of Kuwait has been further compounded by the many documented atrocities committed, sanctioned and even encouraged by Iraqi President Saddam Hussein, and by the detention of American citizens and other foreign nationals in Kuwait who, purportedly, were to be used as human shields against retaliation; and

WHEREAS, in addition to active military troops from Alabama and the various states already deployed to the Persian Gulf, National Guard personnel as well as reservists, nationwide, have been mobilized and/or deployed to Saudi Arabia, bringing the total U.S. military strength to roughly 500,000 plus; and

WHEREAS, from the State of Alabama, which has the largest assigned Army National Guard strength in America, some 4,700 Army and Air Guard personnel have been mobilized, representing more than nine percent of the approximately 50,000-plus who have been mobilized nationwide; and

WHEREAS, additionally, approximately 50 percent of Alabama's mobilized Guard strength is already in the Middle East; 65 percent of some 1,200 Alabama Army Reservists called-up have been deployed to the Persian Gulf area; 337 Alabama Air Force

Reservists who have been mobilized are currently on duty in the area; 155 Alabama Naval Reservists have been called-up and assigned to Operation Desert Shield; and of 831 Marine Corps Reservists in Alabama, more than 42 percent or 356 have been mobilized; and

WHEREAS, in again expressing wholehearted support of our troops in the Middle East, we are most particularly proud of the many thousands of brave men and women from Alabama who traditionally stand in defense of freedom when called; our beloved state enjoys a heritage that is steeped in patriotism and our continuing willingness to serve is apparent in the vast number of young Alabamians whose presence now bolsters our first line of defense against Iraqi forces in the Persian Gulf, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express our encouragement and support of President Bush, and of our military forces abroad to whom we wish Godspeed and a safe return home.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched forthwith to President George Bush; General Colin L. Powell, Chairman, U.S. Joint Chiefs of Staff; to Alabama's Congressional Delegation; and to State Adjutant General Ivan F. Smith.

Approved January 25, 1991

Time: 3:55 P.M.

Act No. 91-7

H.J.R. 10 — Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Wednesday, January 9, 1991, they adjourn to meet again on Tuesday, January 15, 1991.

Approved January 25, 1991

Time: 3:56 P.M.

Act No. 91-8

H.J.R. 16 — Reps. Grayson, Sanderford,
Freeman, Hall

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF WALTER MONTGOMERY
AUSTIN, JR., PH.D., OF NORMAL, ALABAMA.**

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of Walter Montgomery Austin, Jr., PH.D., First Provost at Alabama A & M University and Dean of the school of Business at Alabama A & M University, Normal, Alabama, on November 17, 1990, at the age of 69 years; and

WHEREAS, Dr. Austin was educated in the Louisiana School System, graduated with a Bachelor of Arts degree in Agriculture from Southern University in 1947, received the Master of Science from Kansas State University, Manhattan, Kansas, and a Doctorate of Business Administration from Indiana University, Bloomington, Indiana; and

WHEREAS, Dr. Austin enjoyed a longtime and distinguished career as an educator serving as department head of Agricultural Economics at Tennessee State University; dean and professor of Agriculture Economics at Florida A & M University; chairman of the department of Economics and Sociology at Florida A & M University; economic advisor to the government of Eastern Nigeria; founder and vice-president of Shreveport/Bossier City Campus-Southern University at Shreveport, Louisiana; professor of Economics and Executive Vice-President for the Southern University System, Baton Rouge, Louisiana; and professor of Economics, Business Administration and Athletic Director, Southern University in New Orleans; and

WHEREAS, Mr. Austin also was a distinguished veteran of World War II who served as a platoon sergeant, Headquarters Detachment 28th Quartermaster Group and served in the campaigns of Northern France, Ardennes, Rhineland and Central Europe from 1943 through 1945; and

WHEREAS, Dr. Austin was a devoted community builder who served his people with great love and dedication and will be long remembered and deeply missed by all those who were privileged to know him; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we do deeply regret and grievously mourn the death of Dr. Walter Montgomery Austin, Jr., and extend our sincere sympathy to his family and

direct that his family receive a copy of this resolution that they may know of our shared sorrow in their great loss.

Approved January 25, 1991

Time: 3:58 P.M.

Act No. 91-9

H.J.R. 17 — Reps. Grayson, Brooks,
Sanderford

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND RICHARD L. HURT ON
THE OCCASION OF HIS RETIREMENT.

WHEREAS, Reverend Richard L. Hurt, as an educator, businessman and soldier, has enjoyed a distinguished career spanning a period of thirty-eight years; and

WHEREAS, Reverend Hurt served twenty years in the United States Air Force in various positions including Base Equipment Management Officer, Registered Equipment Management Systems Specialist, Non-Commissioned Officer in Charge of Logistics, among many others, and for which he received the Outstanding Achievement Award and Meritorious Service Award before his retirement at the rank of Technical Sergeant; and

WHEREAS, Reverend Hurt owned and operated Hurt's Air Conditioner and Refrigeration Company, repairing, installing and maintaining residential, commercial and light industrial heating, cooling and refrigeration equipment; and

WHEREAS, Reverend Hurt served as Veteran Affairs Evening Coordinator and Instructor at J. F. Drake State Technical College with administrative responsibilities as campus safety engineer, VICA Advisor and Campus Fire Marshall; and

WHEREAS, Reverend Hurt has indeed exemplified the ideals of achievement and good citizenship as a way of life, thereby serving as a worthy role model for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That we hereby
extend to Reverend Richard Hurt our most heartfelt best wishes

for many joyous days of retirement, and do further direct that a copy of this resolution be forwarded to Reverend Hurt.

Approved January 25, 1991

Time: 3:59 P.M.

Act No. 91-10

H.J.R. 18 — Reps. Ford, Bugg

HOUSE JOINT RESOLUTION

COMMENDING MRS. PAT SMITH, EXECUTIVE DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTIFUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE ENVIRONMENT OF OUR STATE.

WHEREAS, the Alabama Legislature notes with pride and admiration the efforts of Mrs. Pat Smith as Executive Director of the Etowah County Clean and Beautiful Commission; and

WHEREAS, under Mrs. Smith's able direction the Clean and Beautiful Commission received a prestigious second place award in the system category from the Keep America Beautiful, Inc., 1990 National Award Program and a second place award in the communications category in 1989 from the same program, a remarkable and unprecedented achievement for an environmental commission only in existence for two years; and

WHEREAS, the Clean and Beautiful Commission under Mrs. Smith's management has skillfully joined the efforts of the county, municipalities, business and industry, schools and citizens, organizing 4,506 volunteers to work 16,209 hours at a time value of \$69,036.00, to dramatically improve the environmental quality of our state; and

WHEREAS, impressive statistics such as a 68% reduction in litter, a cost benefit ratio of \$4.22 for each \$1.00 expended and the involvement of over 18,000 students in commission projects attest to the amazing success of this program under the steerage of Pat Smith and due to the unselfish and tireless efforts of the people of Etowah County; and

WHEREAS, this legislative body notes that Mrs. Smith was invited to share her organizational expertise with representatives of other states at the Keep America Beautiful National Awards luncheon in Washington, D. C., a distinguished honor which reflects positively upon our state and citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Pat Smith for outstanding community leadership and service, and do further direct that she receive a copy of this resolution of respect, gratitude and warmest personal regard.

Approved January 25, 1991

Time: 4:00 P.M.

Act No. 91-11

H.J.R. 19 — Reps. Ford, Bugg

HOUSE JOINT RESOLUTION

COMMENDING PETER GREGERSON, SR., FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Legislature of Alabama, in the highest tribute, notes the distinguished service of Peter Gregerson, Sr., a native Alabamian; and

WHEREAS, Mr. Gregerson is a versatile man, sensitive to the needs of his community, and one who has contributed generously to every worthwhile endeavor for the betterment of his area, culminating in a one-man beautification committee to spruce up Gadsden and Etowah Counties; and

WHEREAS, Mr. Gregerson efforts resulted in the establishment of the Clean and Beautiful Commission, Inc., for which he received the first "Chairperson Award of Excellence" from Keep America Beautiful Inc., in recognition of his leadership given to the Gadsden-Etowah County Clean and Beautiful Commission; and

WHEREAS, In 1986, he used personal funds to purchase and plant rose bushes along the area's main boulevards and highways in Gadsden and Etowah Counties; and

WHEREAS, a recital of his many accomplishments would be incomplete without the inclusion of the many contributions Mr. Gregerson has made as immediate past president of the Clean and

Beautiful Commission Inc.; past president of the Gadsden-Etowah Chamber of Commerce and United Way of Etowah County; a member of the Salvation Army Executive Committee; a member of the boards of Baptist Health Foundation, Gadsden Council on Aging, United Way Literacy Council and Gadsden State Community College Foundation; president of Gadsden-Etowah Industrial Development Authority; member of the Governor's Regional Economic Development Board; member of National Grocers Association Board; and recipient of the United Way's highest service award and of a national community leader award given by the National Society of the Daughters of the American Revolution; and

WHEREAS, he is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in commending Peter Gregerson, Sr., for outstanding community services and direct that he receive a copy of this resolution as a warm expression of our warm best wishes for every future success.

Approved January 25, 1991

Time: 4:01 P.M.

Act No. 91-12

H.J.R. 20 — Rep. Gullatt

HOUSE JOINT RESOLUTION

COMMENDING JERRY PRATER FOR OUTSTANDING SERVICE AS FIRE CHIEF IN PHENIX CITY, ALABAMA.

WHEREAS, Jerry Prater has been employed by the Phenix City Fire Department since April 1, 1968, has served as Fire Chief since May 23, 1983, and is retiring in January 1991; and

WHEREAS, Jerry Prater has enhanced professionalism in the Phenix City Fire Department by encouraging firefighters to obtain Associate Degrees in fire service education and certification as Emergency Medical Technicians, and by promoting the purchase of top-of-the-line fire-fighting equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of dedicated service, we hereby commend Fire Chief Jerry Prater for his years of fire service in the City of Phenix City, Alabama, and do further direct that Fire Chief Jerry Prater receive a copy of this resolution of sincere praise and highest personal regard.

Approved January 25, 1991

Time: 4:02 P.M.

Act No. 91-13

H.J.R. 21 — Reps. Bugg, Ford, Smith (R),
Newman

HOUSE JOINT RESOLUTION

COMMENDING SARA QUINN.

WHEREAS, Sara Quinn of Etowah County, has recently retired as UniServ District 9 Alabama Education Association's Field representative for Etowah County; and

WHEREAS, Mrs. Quinn's 18 years of dedicated educational experience began following her graduation from the University of Tennessee in Chattanooga as an eleventh grade English Teacher at Ft. Payne High School; and

WHEREAS, local school officials and superintendents of education admire and respect Mrs. Quinn's professionalism, competence, dedication and hard work; and

WHEREAS, Mrs. Quinn has brought professionalism, honor, esteem and respect to the educational field; and

WHEREAS, Sara Quinn will be missed as the voice of Etowah County teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Sara Quinn on her distinguished educational career and wish her well in her new undertaking in real estate sales in Etowah County.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Sara Quinn.

Approved January 25, 1991

Time: 4:03 P.M.

Act No. 91-14

H.J.R. 13 — Rep. Campbell

HOUSE JOINT RESOLUTION

ADOPTING JOINT RULES OF THE TWO HOUSES OF THE
LEGISLATURE OF ALABAMA FOR 1991

JOINT RULES

OF THE TWO HOUSES OF THE LEGISLATURE OF

ALABAMA

1991

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office and the Director of the Alabama Law Institute in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "prefiling." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Prefiled bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8 1/2" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills; however, effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following: (Example: Substitute for H.B./S.B. _____ is attached).

(Example: Substitute for H.B./S.B. _____ is attached).

(Example: Amend H.B./S.B. _____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

16. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

17. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

RULES RELATING TO LOBBYING

18. **Those Required to Register.** All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

19. **Method of Registration.** Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

20. **Registration Exception.** Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom

he discusses any proposed legislation, shall not be required to register as a lobbyist.

21. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

22. **Rules Committee Advisory Opinions.** A Lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

23. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

24. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

25. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

Approved January 25, 1991

Time: 3:57 P.M.

Act No. 91-15

H.J.R. 33 — Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 15, 1991, they adjourn sine die.

Approved January 25, 1991

Time: 4:04 P.M.

Act No. 91-16

H.J.R. 38 — Reps. Butler, Fuller, Lindsey,
Burke, Harper, Curry,
Higginbotham, Hamilton,
Parker (P), Zoghby,
Rockhold, Smith (C),
Hooper, Letson, Gaston,
Box

HOUSE JOINT RESOLUTION

DESIGNATING APRIL 7 THROUGH 13, 1991, AS "NATIONAL COUNTY GOVERNMENT WEEK" IN ALABAMA

WHEREAS, on July 10, 1990 the Senate and House of Representatives of the United States of America in Congress assembled adopted Senate Joint Resolution 347 which designates April 7 through 13, 1991 as "National County Government Week"; and

WHEREAS, every citizen of this state is also a citizen of one of sixty-seven Alabama counties; and

WHEREAS, county government is the oldest form of local government in the United States; and

WHEREAS, over the last three decades county governments in Alabama and throughout the nation have assumed increasing responsibility for the administration and financing of health, welfare, justice, transportation, housing, and community development programs; and

WHEREAS, county governments are often the last available resource for providing emergency and long-term services for the poor, homeless and disadvantaged in our society; and

WHEREAS, Alabama county governments have been assigned a greater role in solving area wide problems dealing with air pollution, water pollution, solid waste disposal, airports, transit systems, regional parks, and other issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of April 7 through 13, 1991, is hereby designated as "National County Government Week" in Alabama, as a time for public recognition of Alabama county government's contribution to the health, safety and general welfare of every citizen of this state.

Approved January 25, 1991

Time: 4:06 P.M.

Act No. 91-17

H.J.R. 39 — Reps. Turner, Zoghby, Rockhold, Gaston, Kennedy, Penry, Kvalheim, Buskey (JE), Clark (W), Harper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F),

Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis

HOUSE JOINT RESOLUTION

HONORING ROBERT M. HOPE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE ALABAMA STATE DOCKS.

WHEREAS, the March 1, 1991, retirement of Robert M. Hope brings to a close his distinguished career as an employee of the Alabama State Docks since 1952; and

WHEREAS, Mr. Hope, since beginning service in the Engineering/Operations Department, has worked in essentially every division at the Docks, and in such capacities as manager of the Cold Storage Plant (1960-65), manager of the Wharves and Warehouses Department (1965-67) and as the manager of the Bulk Material Handling Plant in 1969 and 1970; and

WHEREAS, in 1970, Mr. Hope was named Docks' Operations Manager, the post he held for five years before being named General Manager of Operations; and

WHEREAS, Mr. Hope was appointed director of the Alabama State Docks by Governor George Wallace in 1976 and was re-appointed by Governor Fob James in 1979; he was again appointed by Governor Wallace in 1982, resuming his position as General Manager of Operations in 1987; and

WHEREAS, during his accomplished tenure of some 39 years of service to the Docks and the State of Alabama, Mr. Bob Hope's contributions have impacted greatly to the good of the Mobile area and the entire state, bringing billions of dollars into the economy; and

WHEREAS, he further was instrumental in bringing about some \$250 million in improvements to the State Docks, including the building of McDuffie Coal Terminal and improvement to the Three Mile Creek Bulk Plant; and

WHEREAS, Mr. Hope, who has been honored as Maritime Man of the Year and World Trade Man of the Year, among other distinctions, also has provided leadership as president and member of the Boards of Directors of the Gulf Port Association and the Mobile Chamber of Commerce, and through appointment as a U.S.

representative on the Coal Industry Advisory Board of the International Energy Agency; and

WHEREAS, he further has been a member and/or officer of numerous other civic and professional organizations and has been previously recognized by the Legislature which named a new overpass at the Docks in his honor in 1986; and

WHEREAS, Mr. Hope is a graduate of the University of Alabama, served in the Merchant Marines during World War II and in the United States Army during the Korean Conflict; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert M. (Bob) Hope for outstanding service to the Alabama State Docks, to Mobile and the entire state, and do further direct that he receive a copy of this resolution of sincere warm praise and regard.

Approved January 25, 1991

Time: 4:07 P.M.

Act No. 91-18

H.J.R. 35 — Rep. Johnson

HOUSE JOINT RESOLUTION

REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

WHEREAS, the Alabama Department of Environmental Management (ADEM) may soon issue a permit to operate a solid waste disposal site in or near Childersburg in Talladega County; and

WHEREAS, the residents of Childersburg and Talladega County are concerned about the purity of the public water supply in those areas; and

WHEREAS, the residents of Childersburg and Talladega County feel that, prior to the issuance of such a permit by ADEM, a comprehensive study be conducted on the potential for adverse environmental impact upon the public water supplies of said areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we urgently request that the Alabama Department of Environmental Management (ADEM) do not issue, a permit to operate a solid waste disposal site until the environmental impact of such an action on the public water supply of Childersburg can be studied and evaluated.

RESOLVED FURTHER, That a copy of this resolution be presented to the director of ADEM so he may know of our sincere concern in this matter.

Approved January 25, 1991

Time: 4:08 P.M.

Act No. 91-19

S.J.R. 7 — Senators Bedsole, Foshee,
Amari, Windom,
Waggoner, Dixon, Dial,
Barron, Ellis, Bolling,
Lipscomb and Denton

SENATE JOINT RESOLUTION

ENCOURAGING ALABAMA'S SPILL RESPONSE TASK FORCE TO CONTINUE TO MEET AND MAKE RECOMMENDATIONS.

WHEREAS, the Alabama Legislature passed SB13, Act number 90-741 during the 1990 Regular Session establishing Alabama's Spill Response Task Force, and

WHEREAS, Act number 90-741 continues the existence of the Task Force until June 1, 1991, and

WHEREAS, the Task Force has submitted its report with recommendations to improve the state's readiness to prevent, contain, remove, and clean up petroleum and hazardous material spills in Alabama's coastal waters, and

WHEREAS, there are continuing and existing issues relating to the state's readiness to respond to spills, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses concurring that we recommend that the Spill Task Force continue to meet until its dissolution on June 1, 1991 and to continue to submit any further recommendations to the Speaker of the House, the Lt. Governor, and the Governor as prescribed by law.

Approved January 25, 1991

Time: 4:10 P.M.

Act No. 91-20

S.J.R. 8 — Senators Bedsole, Figures,
Windom, Campbell,
Foshee, Waggoner,
Barron, Ellis, Bolling and
Lipscomb

SENATE JOINT RESOLUTION

ENDORISING THE EFFORTS OF THE ALABAMA BATTLESHIP COMMISSION IN THEIR QUEST TO ACQUIRE THE U.S.S. LEXINGTON AIRCRAFT CARRIER FOR PERMANENT DISPLAY AT THE ALABAMA BATTLESHIP PARK.

WHEREAS, it is anticipated that the Aircraft Carrier U.S.S. Lexington will be decommissioned later this year or early in 1992; and

WHEREAS, the U.S.S. Lexington would be a significant addition to the Alabama Battleship Park in Mobile; and

WHEREAS, members of the U.S.S. Alabama Battleship Commission are striving to acquire the U.S.S. Lexington for permanent display at the Alabama Battleship Park,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that we hereby endorse the efforts of the Alabama Battleship Commission in their quest to acquire this historic aircraft carrier for permanent display at the Alabama Battleship Park.

Approved January 25, 1991

Time: 4:11 P.M.

Act No. 91-21

S.J.R. 10 — Senators Dial, Amari, Bailey,
Barron, Bedsole, Bennett,
Bolling, Campbell, Corbett,
deGraffenried, Denton,
Dixon, Ellis, Figures, Floyd,
Foshee, Ghee, Hale, Hilliard,
Horn, Langford, Lindsey,
Lipscomb, Little, Mitchell,
Mitchem, Owens, Parsons,
Preuitt, Sanders, B. Smith,
J. Smith, Waggoner, Wilson
and Windom

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA AIR AND ARMY NATIONAL GUARD AND ALABAMA RESERVISTS PARTICIPATING IN OPERATION DESERT SHIELD.

WHEREAS, on August 2, 1990, Iraqi tanks and infantry invaded and quickly conquered Iraq's small neighbor, Kuwait; and

WHEREAS, President George Bush denounced Iraq's aggression and signed executive orders banning most trade with Iraq and when an Iraqi assault on Saudi Arabia, which could bring almost one-half of the world's oil reserves under its control, appeared possible, the United States sent a strong military force to defend Saudi Arabia in Operation Desert Shield; and

WHEREAS, many Alabamians are participating in Operation Desert Shield; approximately 4,700 Alabama Air and Army National Guardsmen have been activated and about 50 percent of those have already been deployed to Saudi Arabia; and

WHEREAS, as a result of the Middle East Crisis, some 2,500 Army, Air Force, Naval and Marine Corps Reservists from Alabama have been called up for duty and have been deployed or assigned to Operation Desert Shield; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly condemn the actions of Iraq and Saddam Hussein and do highly commend the Alabama Air and Army National Guard and all the Alabama Reservists who are members of the United States Armed Forces defending against the Iraqi aggression in a display of bravery, loyalty and patriotism of which this body and all Alabamians can be proud.

Approved January 25, 1991

Time: 4:15 P.M.

Act No. 91-22

S.J.R. 6 — Senators Corbett, Campbell, Bennett, Denton, Foshee, Little, Langford, Horn, Amari, Bolling, Floyd, Windom, Parsons, Wilson,

Lindsey, Figures, Ghee,
Preuitt

SENATE JOINT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.

WHEREAS, the Alabama Legislature, in order to promote greater fiscal responsibility, deems it in the State's best interest to ascertain the legal costs for services rendered to the State of Alabama, its various agencies, departments and commissions, including the Legislature, its committees and individual members; and

WHEREAS, it is difficult for the Alabama Legislature to determine with exactitude the amounts incurred for legal services by the State, its various agencies, departments and commissions, including the Legislature, its committees and individual members, due to increased complexity in the form of legal representation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby directs, authorizes and empowers the Attorney General of the State of Alabama to make an investigation of the costs of all legal services performed during the past two quadrenniums for the State of Alabama, its various agencies, departments and commissions, including the Legislature, its committees and individual members, and report his findings to the Legislature on the first legislative day of the 1991 Regular Legislative Session, to-wit, April 16, 1991.

BE IT RESOLVED FURTHER, That a copy of this resolution shall be forwarded to the Attorney General.

Adopted January 25, 1991

Time: 4:09 P.M.

Act No. 91-23

S.J.R. 23 — Senator Hale

SENATE JOINT RESOLUTION

CREATING THE JOINT INTERIM STUDY COMMITTEE ON INTRASTATE COMMUTER AIR LINE SERVICE IN ALABAMA.

WHEREAS, the Alabama Legislature notes that there is a serious inadequacy of commuter air line service within the state; and

WHEREAS, a comprehensive study plan to assess and present solutions to the needs of adequate commuter air line service is necessary for the Legislature to address these needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the joint interim study committee on intrastate commuter air line service in Alabama to be composed of eight members. The Lieutenant Governor shall appoint four members from the Senate to said committee; the Speaker of the House shall appoint four members from the House to said committee. The committee shall elect from its members its chairperson and co-chairperson and shall set its own rules of procedure to conduct its business; said committee shall meet on call of its chairperson.

BE IT FURTHER RESOLVED, That the committee shall include in its comprehensive study plan the feasibility of providing for an intrastate commuter air line service in Alabama; the potential for such service; and the availability and interest of commuter airlines to provide the service. The committee shall report its findings and recommendations to the Legislature by the fifth (5th) legislative day of the 1991 Regular Session, at which time the committee shall terminate.

FURTHER RESOLVED, That the members of such committee shall be entitled to receive their normal per diem and expense allowances on committee meeting days. Provided, however, that such committee shall not expend more than \$5,000.00 on meetings during its existence. Upon request of its chairperson, the Secretary of the Senate and the Clerk of the House shall provide meeting space and clerical assistance as may be necessary for the committee's work.

Approved January 25, 1991

Time: 4:12 P.M.

Act No. 91-24

S.J.R. 24 — Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING MONTGOMERY CITIZEN OF THE YEAR,
MAYOR EMORY FOLMAR.

WHEREAS, in consensus of commendation and esteem, the Legislature of Alabama congratulates Montgomery Mayor Emory Folmar as the recipient of The Montgomery Advertiser and Alabama Journal Citizen of the Year award; and

WHEREAS, a native of Troy, Alabama, and a resident of Montgomery since the age of 14, Mayor Folmar is a graduate of that city's Sidney Lanier High School, and of the University of Alabama where he earned his business degree and rose to the rank of Commander in the Reserve Officers Training Corps; and

WHEREAS, Emory Folmar, upon graduation in 1951, entered the United States Army and, twice wounded in combat in Korea, was awarded the Silver Star, Bronze Star, Purple Heart, Korean Campaign with Three Stars and the Croix de Guerre with Bronze Palm, among other distinctions; and

WHEREAS, it was in 1975 that Emory Folmar, by that time a highly successful businessman, entered the political arena, a decision precipitated by the tragic death of his beloved son, David, who had urged his father to enter politics as a candidate for the Montgomery City Council; and

WHEREAS, successful in his first race, he was elected to the council in 1975; was subsequently elected president of the council; and, in 1977, was elected Mayor of the City of Montgomery in which capacity he continues to serve; and

WHEREAS, in addition, however, to outstanding mayoral leadership and the many accomplishments of his tenure, Emory Folmar has further distinguished himself in exemplary civic leadership and support in such areas as the YMCA, Alabama Shakespeare Festival, the Montgomery Zoo, the arts, and numerous other community affairs; and

WHEREAS, honors gratefully bestowed in recognition of his dedicated commitment to the betterment of all citizens of Montgomery are reflected in such awards as the Montgomery County Bar Association's Liberty Bell Award, Salvation Army's Man of the Year Award, Alabama Retarded Children Association's Distinguished Public Service Award, the Governor's Art Award, and the YMCA's Man of the Year Award; and

WHEREAS, Mayor Folmar, former Chairman of the Alabama Republican Party, served as state chairman for President George Bush's 1988 campaign and as finance director for Governor Guy Hunt's 1990 reelection campaign; he also is a board member of the Montgomery Boys Club and the Alabama Shakespeare Festival, is a member of United Way and Landmarks Foundation, and is an Elder at Montgomery's Trinity Presbyterian Church; and

WHEREAS, Mayor Emory Folmar is indeed highly deserving of the recently bestowed Citizen of the Year award; his contributions to the City of Montgomery, and to all citizens thereof, are immeasurable in worth, permanent in benefit, and are monuments to the city's progress under his leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and commitment to the City of Montgomery, we hereby most highly commend Mayor Emory Folmar, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

Approved January 25, 1991

Time: 4:16 P.M.

Act No. 91-25

S.J.R. 27 — Senator Preuitt

SENATE JOINT RESOLUTION

REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

WHEREAS, the Alabama Department of Environmental Management (ADEM) may soon issue a permit to operate a solid waste disposal site in or near Childersburg in Talladega County; and

WHEREAS, the residents of Childersburg and Talladega County are concerned about the purity of the public water supply in those areas; and

WHEREAS, the residents of Childersburg and Talladega County feel that, prior to the issuance of such a permit by ADEM, a comprehensive study be conducted on the potential for adverse environmental impact upon the public water supplies of said areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request that the Alabama Department of Environmental Management (ADEM) do not issue, a permit to operate a solid waste disposal site until the environmental impact of such an action on the public water supply of Childersburg can be studied and evaluated.

RESOLVED FURTHER, That a copy of this resolution be presented to the director of ADEM so he may know of our sincere concern in this matter.

Approved January 25, 1991

Time: 4:13 P.M.

Act No. 91-26

S.J.R. 29 — Senator Windom

SENATE JOINT RESOLUTION

HONORING DONALD S. JEFFERIES BY NAMING THE GENERAL ADMINISTRATION BUILDING AT SOUTHWEST STATE TECHNICAL COLLEGE THE "DONALD S. JEFFERIES ADMINISTRATION BUILDING."

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the distinguished and lengthy career of Mr. Donald S. Jefferies in service to Southwest State Technical College; and

WHEREAS, Mr. Jefferies embarked upon his educational career in the Spring of 1954, when Southwest State Technical College opened its doors; and

WHEREAS, following positions as an instructor and as Assistant Director to the President, on July 1, 1974, he was appointed President, a position in which he served until his retirement in June, 1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding service to Southwest State Technical College, we hereby name and designate the General Administration Building at the school as the "Donald S. Jefferies Administration Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain such signs and markers as are necessary to appropriately identify said building as the "Donald S. Jefferies Administration Building."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Jefferies as evidence of our high esteem and warmest personal regard.

Approved January 25, 1991

Time: 4:14 P.M.

Act No. 91-27

H.J.R. 40 — Reps. Buskey (JL), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

WELCOMING THE BILL OF RIGHTS NATIONAL TOUR TO ALABAMA AND PROVIDING FOR A LEGISLATIVE DELEGATION TO ATTEND THE EXHIBITION.

WHEREAS, during this year, the United States will celebrate the 200th anniversary of the Bill of Rights; and

WHEREAS, on December 15, 1791, Virginia became the 11th and final state to ratify the proposed bill of rights; guaranteeing to everyone among others the freedoms of speech, of religion, and of the press, and the right of assembly; and

WHEREAS, the first eight amendments to the United States Constitution contain the fundamental rights and freedoms of every citizen and Amendments Nine and Ten forbid Congress to adopt laws that would violate these rights; and

WHEREAS, through the centuries, the Bill of Rights has survived challenge after challenge, but the freedoms guaranteed to citizens of the United States by these first ten amendments have held firm, providing the individual liberties which are such a vital part of the American system of democracy; and

WHEREAS, Alabamians will have an opportunity to view the State of Virginia's original copy of the Bill of Rights, graciously loaned by the Virginia State Library and Archives plus an exciting multimedia show about the historical development and enduring impact of the Bill of Rights January 21-23, 1991, at the Montgomery Civic Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome this Bill of Rights national tour to Alabama to commemorate the 200th anniversary of this historic document.

BE IT FURTHER RESOLVED, That six members of this body be appointed to represent the Legislature of Alabama during this Alabama exhibition: three members of the House of Representatives appointed by the Speaker of the House, and three members of the Senate appointed by the Lieutenant Governor.

Approved January 25, 1991

Time: 4:15 P.M.

ALABAMA LAWS
And Joint Resolutions
REGULAR SESSION, 1991

Act No. 91-28

H.J.R. 2 — Rep. Campbell

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

Approved April 25, 1991

Time: 11:05 A.M.

Act No. 91-29

H.J.R. 3 — Rep. Campbell

HOUSE JOINT RESOLUTION

INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 P. M. on April 16, 1991, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the

hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved April 25, 1991

Time: 11:10 A.M.

Act No. 91-30

H.J.R. 18 — Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING EARLIE RICH ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Earlie Rich; and

WHEREAS, a native of Tuscaloosa, Alabama, Dr. Rich received his early academic training in the public schools of Tuscaloosa County and in 1955, earned the B.S. degree from Alabama A&M University; in his continued pursuit of academic excellence, he also earned both the M.S. degree in Counseling and Guidance and Ed.S. degree in Educational Administration at the University of Alabama; and

WHEREAS, his professional experiences began with those of Teacher, Coach, Principal, Director and Associate Professor to his position as Assistant Vice President for Student Affairs at Alabama A&M University, from which he retired on September 1, 1990; and

WHEREAS, Dr. Rich has written and presented papers, publications, proposals, (funded) and grants, and holds membership in numerous professional organizations such as the Phi Delta Kappa Honorary Professional Fraternity and the National Alliance of Business; and

WHEREAS, as an active member of Fellowship Presbyterian Church, he is an ordained elder, has served as a member of the Session and has chaired the Worship and Service Committee as well as the church Undershepherd Program; and

WHEREAS, Dr. Rich, in civic responsibility, is affiliated with such organizations as the IBPOE Order of Elks, Prince Hall Master Masons, Kappa Alpha Psi Fraternity, the Huntsville-Madison County United Way Campaign, and the Veterans of Foreign Wars; and

WHEREAS, Dr. Rich served in the United States Navy and was honorably discharged in August, 1958, as a Petty Officer 3rd Class; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Earlie Rich on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Rich that he may know of the Legislature's regard for his achievement.

Approved April 25, 1991

Time: 2:10 P.M.

Act No. 91-31

H.J.R. 77 — Reps. Grayson, Haney, Butler, Hall, Sanderford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton,

Hammett, Harper, Harvey,
 Hawkins, Haynes,
 Higginbotham, Hill, Hogan,
 Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight, Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican,
 Morrow, Morton, Newman,
 Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perduc, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers
 (J), Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

NAMING THE JAMES I. DAWSON COOPERATIVE EXTENSION BUILDING AT ALABAMA A & M UNIVERSITY.

WHEREAS, James Ira Dawson, Associate Dean for Extension and Administrator of the Extension Program, is a 1953 graduate of Alabama A & M University with a B.S. degree in Agribusiness Education; he also holds the M.Ed. degree from Tuskegee University, his Ph.D. degree from Pennsylvania State University and an Associate degree from Jefferson State College; and

WHEREAS, Dr. Dawson was employed by Alabama A & M University in September 1969 as Chairperson of the Department of Agribusiness Education and during the ensuing six years, also taught Agribusiness courses on the undergraduate level as well as statistics and research on the graduate level; and

WHEREAS, during the same period, Dr. Dawson wrote and received funding for three proposals for more than \$500,000.00; after four years of service to the University, he was promoted to full professor, and has continued to write and help other faculty prepare proposals that bring funds to the University; and

WHEREAS, at the request of President R. D. Morrison, now retired, Dr. Dawson consented to serve on the Huntsville-Madison

County Community Action Agency Board of Directors representing Alabama A & M University, serving in this capacity for ten years, the maximum tenure allowed; he served on the Executive Committee seven of those ten years and as Chairperson of the Board for the last three years of his tenure; and

WHEREAS, Dr. Dawson was promoted to Associate Dean for Extension in 1971 while continuing to serve also as Agribusiness Department Chairperson until 1975; and

WHEREAS, in further distinguished service to Alabama A & M University, upon receipt by the University of Cooperative Extension funds, Dr. Dawson developed the first University Cooperative Extension plan and employed the Extension Staff for the University's Cooperative Extension Program (CEP) which began December 1, 1971; and

WHEREAS, in terms of cash donations to the University, the record will reflect that in addition to donating \$1,000.00 to the Eminent Scholars Award (\$500.00 each year), Dr. Dawson has made sizable donations during class reunions and served as Chairperson of the class reunion when his own class (1953) was recognized for having made the largest donation to the University during Founder's Day in 1987; and

WHEREAS, Dr. Dawson served as Secretary, Vice Chairperson and Chairperson of the Association of Extension Administrators during the three years the administrators made contact and worked with Dr. Joyce Payne, Council of Presidents at 1890 Land Grant Institutions and Tuskegee University, ES/USDA officials, and Congressperson to obtain \$50 million in appropriations for Extension buildings and facilities on the campus of 1890 Institutions and Tuskegee University; as Dr. Morrison had retired as President of Alabama A & M and Chairperson of the Council, Dr. Dawson was the sole person at Alabama A & M University to play a major role in helping secure a \$50,000,000 building and facility grant; and

WHEREAS, further, Dr. Dawson, as Associate Dean for Extension and Administrator of the Extension Program played one of the leading roles in every phase of planning and constructing the Cooperative Extension Building, and also served as liaison between the University and Extension Service, USDA, throughout the process; and

WHEREAS, in view of Dr. Dawson's notable and many contributions to Alabama A & M University and his instrumental role in the construction of the University's Cooperative Extension Building, it is the desire of University officials and the Legislature that said building be named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Cooperative Extension Building on the campus of Alabama A & M University, as the "James I. Dawson Cooperative Extension Building."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers designating the said "James I. Dawson Cooperative Extension Building," and it is further provided that a copy of this resolution be presented to Dr. Dawson as a memento of this honorary designation of the Alabama Legislature.

Approved April 25, 1991

Time: 2:15 P.M.

Act No. 91-32

H.J.R. 52 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

WHEREAS, in the Fall of 1889, the Alabama and North Alabama Conferences of the Methodist Episcopal Church South authorized the establishment of a Home for Orphan Children which formally opened at Summerfield, Alabama, in January 1890, admitting the first child, Charles Ebbsworth Moore, on September 5, 1890; and

WHEREAS, the agency, chartered as the Alabama Methodist Orphanage by the Alabama Legislature on February 5, 1891, operated for the first 20 years from Summerfield College, moving in 1911 to Selma, a site which offered the advantages of community facilities, schools, libraries, medical and dental services; and

WHEREAS, by the 1930's the institution was serving not only orphans, but also children suffering from physical and/or emotional neglect and to reflect these changes, the name was changed to the Methodist Children's Home; and

WHEREAS, the Children's Home, in continuing sensitivity to the needs of children and their families, has adjusted its programming accordingly, and services throughout the last century have included residential programs, foster care, adoption, behavior

management, emergency shelter care, as well as scholarship/transition programs; and

WHEREAS, in the early 1940's a building program culminated in the construction of the Children's Village in Selma consisting of ten family-style cottages to house a staff and ten children each, and, upon completion in the 1950's, was the first Methodist Children's Village in the South; and

WHEREAS, continuing to demonstrate leadership in the field of children's services, the Home began an expansion to better serve children nearer their home area; in the Summer of 1968, the agency began establishing group homes and, by the mid-seventies, homes were built in Florence, Huntsville, Scottsboro, Tuscaloosa, Birmingham, Mobile, Dothan and Pensacola; and

WHEREAS, in 1983, the Children's Home staff implemented a pilot project to prepare children within the foster care system to live independently upon leaving care, and the Preparation for Independent Living Program which resulted is now used as a model for classes being taught throughout the State of Alabama; and

WHEREAS, other programs piloted by the Children's Home have included therapeutic foster care, parent-adolescent training programs, pre-placement in-home counseling, diagnostic and evaluation services; and

WHEREAS, the United Methodist Children's Home serves between 500 and 600 young persons each year, thereby affording the agency the opportunity to "Give a Child a Chance" thousands of times, and to be rewarded by the many alumni who have become successful members (and leaders) of their communities and churches; and

WHEREAS, the United Methodist Children's Home is indeed the premier program of child care in this area and, in building upon a past marked by excellence and Christian concern, now moves into its second "Century of Caring"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of excellence in its field, and in gratitude for the care provided to the many thousands of children who have so greatly benefitted from the love and stability of such concerned care, we hereby most highly commend the United Methodist Children's Home, and do further direct that a copy of this resolution be prepared for presentation on the 100th Anniversary celebration of its establishment.

Approved April 25, 1991

Time: 2:17 P.M.

Act No. 91-33

S.J.R. 3 — Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING WENDELL KENNEL ELLIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Wendell Kennell Ellis of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Wendell Kennell Ellis has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty and concern for his fellowman; and

WHEREAS, Wendell Kennell Ellis, the 14 year-old son of Mr. and Mrs. Reuben Ellis, and a 9th grade student at Tuskegee Institute High School, is a member of Troop 170, Carver District, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 18, 1991, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Wendell Kennell Ellis of Tuskegee, Alabama, for whom a copy of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved April 30, 1991

Time: 10:30 A.M.

Act No. 91-34

S.J.R. 4 — Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING JARED JEROME CLAY OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Jared Jerome Clay of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Jared Jerome Clay has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty and concern for his fellowman; and

WHEREAS, Jared Jerome Clay, the 14 year-old son of Representative and Mrs. George Clay, and a 9th grade student at Saint James School, is a member of Troop 170, Carver District, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 18, 1991, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Jared Jerome Clay of Tuskegee, Alabama, for whom a copy of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved April 30, 1991

Time: 10:32 A.M.

Act No. 91-35

S.J.R. 5 — Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING KIRK BRACE JONES OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Kirk Brace Jones of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Kirk Brace Jones has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty and concern for his fellowman; and

WHEREAS, Kirk Brace Jones, the 14 year-old son of Mrs. June Jones, and an 8th grade student at Saint Joseph Catholic School, is a member of Troop 70, Carver District, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 18, 1991, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Kirk Brace Jones of Tuskegee, Alabama, for whom a copy of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved April 30, 1991

Time: 10:36 A.M.

Act No. 91-36

S.J.R. 11 — Senators Bailey
and Corbett

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DEAL WAMBLES OF DOTHAN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Senate records the death of Deal Wambles of Dothan, Alabama, on December 10, 1990, at the age of 64 years; and

WHEREAS, a native of Elba, Alabama, and a United States Navy veteran of World War II, Deal Wambles owned and operated Automatic Transmission Rebuilders in Dothan for more than 20 years, was a 20-year member of the Houston County Sheriff's Department, a past president of the Sheriff's Association, and a constable for Houston County; and

WHEREAS, Mr. Wambles, in an extension of community service and involvement, also was a lifetime member of the Clayton, Alabama, Sheriff's Boys Ranch; was a member, service officer and past commander of the DAV; a 32nd Degree Mason and a member of the Scottish Rite; and was an active member of the Highland

Park Methodist Church which he served in deep, abiding faith and love for the Lord; and

WHEREAS, as the founder and Chief of the Cherokees of Southeast Alabama, Inc., Chief Wambles worked tirelessly for his people and tribe, and traveled extensively to schools throughout Alabama to relate Indian ways to our state's young students; he also joined his brothers in their instrumental quest to establish the Alabama Indian Affairs Commission; and

WHEREAS, the death of Chief Deal Wambles has indeed left a deep void in the life of his community and in the hearts of his loving family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Chief Deal Wambles of Dothan, Alabama, and extend deepest sympathy to his beloved wife of 43 years, Mrs. Pauline Wambles; to his five children; to his mother, Mrs. Maudie Price; and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

Approved April 30, 1991

Time: 10:38 A.M.

Act No. 91-37

S.J.R. 12 — Senator Denton

SENATE JOINT RESOLUTION

DESIGNATING "THE MIRACLE WORKER" AS THE OFFICIAL OUTDOOR DRAMA OF THE STATE OF ALABAMA.

WHEREAS, Ivy Green, the birthplace of Helen Keller, was constructed in 1820 by her grandfather and is listed on the national register of historic places; and

WHEREAS, the birthplace of Helen Keller has been managed since 1951 by the Helen Keller Properties Board; and

WHEREAS, in 1962, the first production of William Gibson's drama, "The Miracle Worker," was performed on the grounds of Ivy Green and the play, to be presented for the 30th consecutive year in 1991, is performed by non-paid local performers; and

WHEREAS, the play, consistently rated as Alabama's top attraction by tourist groups and writers from throughout the nation, is attended by thousands of visitors from outside the state,

which in 1990 included representatives from 35 states and ten countries; and

WHEREAS, "The Miracle Worker" has had, and continues to have, great impact upon its audiences and serves as an inspiration to both young people and adults alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the drama by William Gibson, "The Miracle Worker," which is performed annually on the grounds of Ivy Green, the birthplace of native Alabamian Helen Keller, is hereby designated as the official outdoor drama of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to the members of the Helen Keller Properties Board.

Approved April 30, 1991

Time: 10:40 A.M.

Act No. 91-38

S.J.R. 15 — Senator Owens

SENATE JOINT RESOLUTION

COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

WHEREAS, in the Fall of 1889, the Alabama and North Alabama Conferences of the Methodist Episcopal Church South authorized the establishment of a Home for Orphan Children which formally opened at Summerfield, Alabama, in January 1890, admitting the first child, Charles Ebbsworth Moore, on September 5, 1890; and

WHEREAS, the agency, chartered as the Alabama Methodist Orphanage by the Alabama Legislature on February 5, 1891, operated for the first 20 years from Summerfield College, moving in 1911 to Selma, a site which offered the advantages of community facilities, schools, libraries, medical and dental services; and

WHEREAS, by the 1930's the institution was serving not only orphans, but also children suffering from physical and/or emotional neglect and to reflect these changes, the name was changed to the Methodist Children's Home; and

WHEREAS, the Children's Home, in continuing sensitivity to the needs of children and their families, has adjusted its programming accordingly, and services throughout the last century have included residential programs, foster care, adoption, behavior management, emergency shelter care, as well as scholarship/transition programs; and

WHEREAS, in the early 1940's a building program culminated in the construction of the Children's Village in Selma consisting of ten family-style cottages to house a staff and ten children each, and, upon completion in the 1950's, was the first Methodist Children's Village in the South; and

WHEREAS, continuing to demonstrate leadership in the field of children's services, the Home began an expansion to better serve children nearer their home area; in the Summer of 1968, the agency began establishing group homes and, by the mid-seventies, homes were built in Florence, Huntsville, Scottsboro, Tuscaloosa, Birmingham, Mobile, Dothan and Pensacola; and

WHEREAS, in 1983, the Children's Home staff implemented a pilot project to prepare children within the foster care system to live independently upon leaving care, and the Preparation for Independent Living Program which resulted is now used as a model for classes being taught throughout the State of Alabama; and

WHEREAS, other programs piloted by the Children's Home have included therapeutic foster care, parent-adolescent training programs, pre-placement in-home counseling, diagnostic and evaluation services; and

WHEREAS, the United Methodist Children's Home serves between 500 and 600 young persons each year, thereby affording the agency the opportunity to "Give a Child a Chance" thousands of times, and to be rewarded by the many alumni who have become successful members (and leaders) of their communities and churches; and

WHEREAS, the United Methodist Children's Home is indeed the premier program of child care in this area and, in building upon a past marked by excellence and Christian concern, now moves into its second "Century of Caring"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of excellence in its field, and in gratitude for the care provided to the many thousands of children who have so greatly benefitted from the love and stability of such concerned care, we hereby most

highly commend the United Methodist Children's Home, and do further direct that a copy of this resolution be prepared for presentation on the 100th Anniversary celebration of its establishment.

Approved April 30, 1991

Time: 10:42 A.M.

Act No. 91-39

S.J.R. 16 — Senators Bedsole,
Windom and
Lipscomb

SENATE JOINT RESOLUTION

COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most highly commends and congratulates Bea Volkman, a Mobile County public school teacher, as Alabama's 1990 Elementary Teacher of the Year and as one of four finalists in the National Teacher of the Year competition; and

WHEREAS, Mrs. Volkman, who has earned a master's degree, principal's certificate and is working on AA certification at the University of Alabama, is the arts facilitator at Old Shell Road and Dunbar magnet schools for creative and performing arts; and

WHEREAS, a veteran of 18 years as a classroom teacher of learning disabled children in kindergarten through fifth grades, Mrs. Volkman was a learning disabilities resource teacher at Semmes Elementary School when she entered the 1990 Teacher of the Year competition; and

WHEREAS, Mrs. Volkman is indeed an outstanding teacher, as evidenced by her selection as Alabama's Elementary Teacher of the Year; also, in view of her representation of our state in the finals of the prestigious national program and her many career achievements and accomplishments, she is a credit to her profession, to the Mobile County School System and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and service, we hereby most highly commend Alabama's 1990 Elementary Teacher of the Year, Bea Volkman of Mobile, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 10:45 A.M.

Act No. 91-40

S.J.R. 17 — Senators Bedsole,
Windom and
Lipscomb

SENATE JOINT RESOLUTION

COMMENDING THE MOBILE THEATRE GUILD AND
DIRECTOR MICHAEL MCKEE FOR OUTSTANDING
ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Mobile Theatre Guild of Mobile, Alabama, for its production of "A Walk in the Woods," which will represent the Southeast Region of the United States at the national community theatre competition to be held this summer; and

WHEREAS, our state organization, Alabama Theatre League, selected the Mobile Theatre Guild's production of "A Walk in the Woods" to represent the state of Alabama at the Southeastern Theatre Conference (Region IV) held in Winston-Salem, North Carolina, on March 9th of this year; and

WHEREAS, the Mobile Theatre Guild production won awards for Best Actor (Louis Courie), Best Director (Michael McKee), and Best Production; and

WHEREAS, the Best Production Award bestows the honor of representing Region IV at the national convention of the American Association of Community Theatre, to be held in Overland Park, Kansas, June 18-23, 1991; and

WHEREAS, participants at the national level are expected to be asked to represent the United States at international festivals during the next two years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile Theatre Guild and its Director, Mike McKee, for outstanding professional achievement.

BE IT FURTHER RESOLVED, That copies of this resolution of commendation be provided for the Mobile Theatre Guild and Director McKee.

Approved April 30, 1991

Time: 10:47 A.M.

Act No. 91-41

S.J.R. 19 — Senators Dial, Ghee,
Bennett and Parsons

SENATE JOINT RESOLUTION

COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in commendation of esteem, notes the selection of Rudy Abbott of Jacksonville State University as 1990 Diamond National Coach of the Year, Division II, by the American Baseball Coaches Association; and

WHEREAS, a veteran of 21 years at JSU, Coach Abbott led the Gamecocks to their first National Baseball Championship with a four-game sweep, and to both the Gulf South Conference and South Central Region titles as well; and

WHEREAS, Coach Abbott, also 1990 South Region Coach of the Year, paid tribute to his assistant coaches and players with whom he shared credit for the Gamecocks' sensational season (43-9), and their 12-8 victory over Cal State-Northridge in the title game which also was win No. 659 for JSU's head coach for a winning percentage of 72.1; and

WHEREAS, in addition to directing the Gamecocks to the 1990 Championship, Coach Abbott has led his JSU teams to five GSC titles, 11 GSC divisional titles, six NCAA Division II region titles and participation in six College World Series; and

WHEREAS, by request of the Baseball Hall of Fame, a photograph of the 1990 JSU Championship team and a Gamecock jersey, bearing Coach Abbott's No. 18 and his name, have been donated for display in the Hall's amateur baseball room, which brings great fame and honor to the University and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and distinguished service to college athletics, we hereby most highly commend Coach Rudy Abbott of Jacksonville State University, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 10:50 A.M.

Act No. 91-42

S.J.R. 20 — Senators Dial
and Barron

SENATE JOINT RESOLUTION

NAMING THE GYMNASIUM AT COLLINSVILLE HIGH SCHOOL, COLLINSVILLE, ALABAMA, IN HONOR OF L. D. DOBBINS.

WHEREAS, Coach L. D. Dobbins of Collinsville High School, Collinsville, Alabama, recently celebrated his 500th victory as a varsity coach; and

WHEREAS, Coach Dobbins, throughout his career as both educator and coach, has served as a model of achievement, and he is indeed a credit to his school, the Collinsville community and his profession; and

WHEREAS, in appreciation for Coach Dobbins' many outstanding contributions to school and community, it is both fitting and proper that his achievement and service be recognized and that such tribute be made in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Coach L. D. Dobbins of Collinsville High School, Collinsville, Alabama, the gymnasium at said school is hereby named and designated as the "L. D. Dobbins Gymnasium."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating said structure as the "L. D. Dobbins Gymnasium."

RESOLVED FURTHER, That copies of this resolution be forwarded to Collinsville High School, Office of the Principal, to the DeKalb County Board of Education; and to Coach L. D. Dobbins as a memento of this honorary designation by the Alabama Legislature.

Approved April 30, 1991

Time: 10:52 A.M.

Act No. 91-43

S.J.R. 21 — Senator Dial

SENATE JOINT RESOLUTION**DESIGNATING THE DYNE CREEK COMMUNITY.**

WHEREAS, the Alabama Legislature notes the historical, cultural and geographical significance of the area in Cleburne County south of Heflin near County Highway 19; and

WHEREAS, the citizens of this community have had their lives affected by the Dyne Creek for over a century, enjoying the aesthetic, recreational, agricultural and economic virtues of the creek and enduring the stream's destructive and fatal forces; and

WHEREAS, the residents of this area have actively participated in the development, promotion and expansion of the Dyne Creek Watershed Conservancy and have directed a land acquisition project to construct a proposed 127 acre reservoir to provide municipal and industrial water; and

WHEREAS, this legislative body has determined that this community, whose daily life since the days of Creek Indians and pioneer forefathers has been intertwined with Dyne Creek, should bear the name of said geographical feature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the geographical area near a certain portion of Cleburne County Highway Number 19 approximately 7 miles south of Heflin bounded on the North by Beasons Mill, Northwest by Greens Chapel Community and Southeast by Teagues Mill, situated, lying, and being in Section 12 and Section 13, Township 17 South, Range 10 East, in Cleburne County, Alabama, is hereby declared and designated the "Dyne Creek Community."

RESOLVED FURTHER, That a copy of this resolution be presented to the Calhoun-Cleburne Regional Library for appropriate public display.

Approved April 30, 1991

Time: 10:53 A.M.

Act No. 91-44

H.J.R. 64 — Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 18, 1991, they adjourn to meet again on Tuesday, April 23, 1991.

Approved April 30, 1991

Time 11:00 A.M.

Act No. 91-45

H.J.R. 6 — Reps. Clark (J),
Anderson, Barnes,
Beasley, Biddle, Black
(L), Black (M),
Blakeney, Bowling, Box,
Bryant, Bugg, Burke,
Buskey (JE), Buskey
(JL), Butler, Cagle,
Campbell, Carns,
Carothers, Carter,
Clark (W), Clay, Cosby,
Crow, Cullins, Curry,
Dolbare, Drake, Escott-
Russell, Flowers, Ford,
Freeman, Fuller,
Gaines, Gaston,
Goodwin, Grayson,
Gullatt, Hall, Hamilton,
Hammett, Harper,
Harvey, Hawkins,
Haynes, Higginbotham,
Hill, Hogan, Holladay,
Holley, Holmes, Hooper,
Johnson, Kennedy,
Knight, Kvalheim,
Laird, Layson, Letson,
Lindsey, Mathis,

McClain, McDaniel,
 McDowell, McKee,
 McMillan, Melton,
 Mikell, Millican,
 Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne,
 Penry, Perdue, Petelos,
 Poole, Powell, Rich,
 Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey,
 Thomas, Turner,
 Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

HONORING HARRY B. BROCK, JR., OF BIRMINGHAM,
 ALABAMA.

WHEREAS, Harry B. Brock, Jr., of Birmingham retired recently as president and chief executive officer of Central Bancshares of the South, Inc., having served as the original and only CEO of the company he founded in 1964; and

WHEREAS, a native of Fort Payne, Alabama, and a United States Navy veteran, Mr. Brock was reared in Gadsden and graduated from the University of Alabama with a B.S. degree; he also completed extended courses on the post-graduate level including those of the American Institute of Banking and Northwestern University's Bank Marketing School; and

WHEREAS, Mr. Brock, following employment with the family business in Gadsden and as an oil products salesman in Rochester, New York, returned to Alabama in 1955, entering the banking field with Exchange Security Bank, now First Alabama; and

WHEREAS, Harry Brock, whose impact upon Alabama's banking industry has been phenomenal, founded Central Bank 27 years ago and, from a single location in downtown Birmingham, built a

\$5.1 billion multi-state holding company, while along the way becoming solely responsible for a complete change in Alabama's banking structure; and

WHEREAS, the change, occurring in 1971 with the formation of Central Bancshares of the South, began in 1968 with the initiation of a cross county takeover by Central of Decatur's State National Bank, prompting numerous lawsuits by other state banks and an attempt through legislation to prevent the merger; and

WHEREAS, Mr. Brock, however, in persistence and not to be denied, undertook an aggressive campaign of lobbying the legislature and, with the bill's failure to pass, cross county mergers and multi-state holding companies became the foundation of banking in Alabama as it is today; and

WHEREAS, Harry B. Brock, Jr., also the founder of Compass Bancshares of Texas, has indeed placed his imprint upon the business community, and has further long and well served the banking industry through activities and leadership at both the state and national levels, as well as internationally through the organization of banking seminars throughout Europe; and

WHEREAS, he has further extended his exceptional talent and ability to include support of numerous civic, community and charitable concerns, and has been recognized on countless occasions for achievement and service, including induction into the Alabama Academy of Honor; and

WHEREAS, Harry Brock has always served and continues to serve in the best interests of his state and nation; he is a man of exceptional character with a strong faith in God, a man of great concern for the well-being of others, and is a man who has met life with enthusiasm and has exceeded all measure of success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Harry B. Brock, Jr., whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:02 A.M.

Act No. 91-46

H.J.R. 14 — Reps. Ford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE AND THE STATE OF ALABAMA.

WHEREAS, Dell McRae of Montgomery rendered invaluable service to the Alabama Legislature and the State of Alabama from January 9, 1979, until retirement on January 25, 1991; and

WHEREAS, as a committee clerk for the House of Representatives, Dell McRae gained the respect and gratitude of the many members of the Legislature who, over the years, sought her assistance and came to rely heavily upon her proficiency, expertise and technical knowledge of legislative affairs; and

WHEREAS, Dell McRae, throughout her tenure, was greatly admired as a loyal and dependable employee, and was most highly regarded for the responsible manner in which she undertook her many duties as a committee clerk and related assignments; and

WHEREAS, in addition to her career responsibilities, however, Dell McRae was equally as dedicated in service to the community, including participation in the many activities of Frazer Memorial United Methodist Church and volunteerism with the Pink Ladies organization at Baptist Medical Center in Montgomery; these activities, as well as other community endeavors, she has continued in retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep and sincere gratitude for outstanding service to the Alabama Legislature and the State of Alabama, we hereby most highly commend Dell McRae of Montgomery, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:03 A.M.

Act No. 91-47

H.J.R. 26 — Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton,

Hammett, Harper, Harvey,
 Hawkins, Haynes,
 Higginbotham, Hill, Hogan,
 Holladay, Holmes, Hooper,
 Johnson, Kennedy, Knight,
 Kvalheim, Laird, Layson,
 Letson, Lindsey, Mathis,
 McClain, McDaniel, McDowell,
 McKee, McMillan, Melton,
 Mikell, Millican, Morrow,
 Morton, Newman, Newton (C),
 Newton (D), Parker (P), Parker
 (T), Payne, Penry, Perdue,
 Petelos, Poole, Powell, Rich,
 Richardson, Rockhold, Rogers
 (F), Rogers (J), Sanderford,
 Sanderson, Smith (C), Smith
 (R), Spratt, Starkey, Thomas,
 Turner, Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

**COMMENDING THE ALABAMA DEPARTMENT OF
 HUMAN RESOURCES FOR HAVING THE NATION'S BEST
 CHILD SUPPORT PROGRAM.**

WHEREAS, a study conducted by the Human Services Subcommittee of the United States House Ways and Means Committee determined that Alabama's Child Support Program is the best Child Support Program in the nation; and

WHEREAS, this achievement was the result of the skill and dedication of the employees of the Alabama Department of Human Resources as well as the invaluable efforts of Alabama's District Attorneys, Judges and Law Enforcement Officials; and

WHEREAS, this achievement has brought honor and recognition to the State of Alabama and reflects the state's concern for families and children; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
 BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend the employees of the Alabama Department of Human Resources and other dedicated citizens of the state involved in the operation and administration of the Child Support Program.

BE IT FURTHER RESOLVED, That the Alabama Legislature joins with the Department of Human Resources in its efforts to improve and strengthen its Child Support Program for the benefit of Alabama families.

RESOLVED FURTHER, That a copy of this resolution of honor be forwarded to the Alabama Department of Human Resources.

Approved April 30, 1991

Time: 11:04 A.M.

Act No. 91-48

H.J.R. 27 — Rep. Cosby

HOUSE JOINT RESOLUTION

DESIGNATING TOURISM WEEK 1991, IN THE STATE OF ALABAMA.

WHEREAS, the travel and tourism industry is vital to the State of Alabama, and the United States, contributing to our economic prosperity, employment, international trade, peace, understanding and goodwill; and

WHEREAS, travel and tourism ranks as one of Alabama's top industries in the amount of revenues generated; and

WHEREAS, tourism contributed an estimated total of \$3.081 billion to the economy in 1990 and, during that time, several millions of tourists visited the State of Alabama; and

WHEREAS, travel and tourism provided more than 73,000 jobs in 1990 in Alabama, accounting for a payroll of \$1.6 billion; and

WHEREAS, the tourism industry provides employment for more youth, women and minorities than any industry in Alabama; and

WHEREAS, travel and tourism enhance international peace, understanding and goodwill; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect in the lives of the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the second

week of May 1991, is hereby designated as "Tourism Week" in Alabama and Guy Hunt, Governor of the State of Alabama, is requested to issue a proclamation calling upon citizens throughout the state to observe this week with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor Hunt and to the Alabama Bureau of Tourism and Travel.

Approved April 30, 1991

Time: 11:05 A.M.

Act No. 91-49

H.J.R. 51 — Reps. Beasley, Clark (J)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CARL S. FARMER OF ABBEVILLE, ALABAMA.

WHEREAS, in deep and abiding sorrow the Legislature of Alabama records the death of Carl S. Farmer of Abbeville, Alabama, on March 26, 1991, at the age of 89 years; and

WHEREAS, a retired attorney and former two-term State Senator from 1932-1938, Carl S. Farmer was a member of a pioneer Wiregrass and Henry County family; he attended the Headland Public School and the University of Alabama, graduating from the University's School of Law in 1929; and

WHEREAS, Mr. Farmer, after first practicing law in Dothan, moved to Abbeville in 1933 to continue the practice of law until retirement; in 1958, he was joined by his wife, the former Alliegene Edwards, and for the next 25 years, they practiced together as Farmer & Farmer; and

WHEREAS, also a former county solicitor from 1933 until 1939, he served for 33 years as Henry County Representative of the Ozark Production Credit Association, and was a member of the First Baptist Church of Abbeville where he served on the Board of Deacons, as Men's Bible Class teacher, and as church treasurer; and

WHEREAS, he further was a member of the Henry Masonic Lodge #91, former member of the Board of Directors of the Abbeville Chamber of Commerce, charter member of the Abbeville Lions Club and had served as a member of the Southeast Alabama Council, Boy Scouts of America; and

WHEREAS, other of Mr. Farmer's activities and involvement included the chairmanship of local fund-raising drives for the Red Cross and Crippled Children Services; membership on the Board of Directors of Mississippi Chemical Corporation; the presidency of both the Federal Land Bank Association of Dothan, and the Henry County Bar Association in which he was the Senior Member; and membership in the Alabama Bar Association which recognized him in 1979 for service rendered as a member for more than 50 years; and

WHEREAS, Mr. Farmer, who was preceded in death by his beloved wife in 1983, is survived by his daughter and son-in-law, Jean F. and Dr. H. Paul Huffman, Jr.; by four grandchildren and his sister; and by other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Carl S. Farmer of Abbeville, Alabama, and express deepest sympathy to all his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:06 A.M.

Act No. 91-50

H.J.R. 54 — Reps. Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes,

Hooper, Johnson, Kennedy,
 Knight, Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee,
 McMillan, Melton, Mikell,
 Millican, Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING LOUIS G. GREENE FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

WHEREAS, received with regret by the Legislative Council and herein duly recorded is the notice of retirement of Louis G. Greene as Director of the Legislative Reference Service and Secretary to the Council, 1970-1991; and

WHEREAS, a native of Birmingham and a resident of Montgomery since 1950, Mr. Greene is a graduate of the University of Alabama where he received his Juris Doctorate, and is a United States Army Air Corps veteran of World War II, with service dating from February 1942 to November 1945, including combat duty in the Pacific Theater; and

WHEREAS, Mr. Greene, who was engaged in the private practice of law at the time of appointment to office, assumed leadership of the Reference Service in November 1970 and, for the past more than twenty years, the agency's functions by authority of law have been under his direct and explicit supervision; and

WHEREAS, the responsibilities of the Reference Service are extensive and of far-reaching impact upon statutory and constitutional law; Mr. Greene, however, from the onset of his tenure, judiciously supervised his competent staff of legal analysts in these

areas in the drafting of legislation, the pursuit of legal research, and in providing information and advice to the Council, to the Legislature, the Governor and other state departments and agencies; and

WHEREAS, by virtue of office, he also has directed the agency's staff in compiling and codifying the laws of Alabama; assembling and publishing the Local Laws Index as well as summaries of general laws enacted and proposed constitutional amendments; providing the Secretary of State with the indices to the Acts of Alabama; and, under the Administrative Procedure Act of 1981, assumed the responsibility of his department as the repository of agency rules and regulations and publisher of the Alabama Administrative Monthly and the Administrative Code; and

WHEREAS, in further charge, Mr. Greene supervised his staff's responsibility for compiling and publishing annual cumulative supplements to the 1975 Code of Alabama and, in recent years, was himself instrumental in his department's assumption of the major task of computerizing the Code and up-dated revisions for ready access by departments of state government, the legal community and other subscribers; and

WHEREAS, the tenure of Louis G. Greene as Director of the Legislative Reference Service has been one of significant accomplishment, and his assistance to the Legislature invaluable during a period of increasing complexity in questions of constitutional law and possible ramifications in addressing many exacting and more technical issues of the past two decades; and

WHEREAS, in addition, however, to noting his many professional contributions in service, we further feel compelled to note that, over the years, he has become a valued and trusted friend to countless members of the Legislature, the expanded Legislative family, and to his staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, with deepest personal gratitude, the distinguished service and outstanding career of Louis G. Greene as Director of the Legislative Reference Service of the State of Alabama, and do further direct that he receive a copy of this resolution of sincere admiration and regard.

Approved April 30, 1991

Time: 11:07 A.M.

Act No. 91-51

H.J.R. 16 — Reps. Hooper, Clark (J),
Hawkins, White, Petelos,
Butler, Gaines, Hill,
Sanderson, Carns,
Kvalheim, Curry,
Thomas, Fuller, Ford,
Burke, Powell, Rogers
(J), Flowers, Bowling,
McDaniel, Beasley,
Gullatt, Gaston, Starkey,
Morrow

HOUSE JOINT RESOLUTION

REQUESTING GENERAL COLIN L. POWELL AND GENERAL H. NORMAN SCHWARZKOPF TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, in the aftermath of the war in the Middle East, the citizens of the State of Alabama are grateful, as are all Americans, for the quick and decisive allied victory in the Persian Gulf and for the admirable leadership of President Bush and his administration; and

WHEREAS, among key factors in this spectacular victory were the brilliant strategy and deceptive tactics of the allies, led by General Colin L. Powell, Chairman of the U.S. Joint Chiefs of Staff, and General H. Norman Schwarzkopf, Commander of U.S. Forces in the Gulf; and

WHEREAS, in addition, however, to securing unconditional surrender by Iraq, the result of the Persian Gulf War served also to prove the superiority of American military equipment and strategy, and to verify the incomparability of performance by our well-trained troops on the battlefield, as well as the unbelievable might of American firepower; and

WHEREAS, this body, in utmost admiration of the military dominancy displayed by Generals Powell and Schwarzkopf, would consider it an honor and privilege for these two outstanding Americans to accept an invitation to address a joint session of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General Colin L. Powell, Chairman of the U. S. Joint Chiefs of Staff, and General H. Norman Schwarzkopf, Commander of U. S. Forces in the Persian Gulf, to address the

Alabama Legislature at a time and date to be set at their convenience, whereupon the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear their remarks.

BE IT FURTHER RESOLVED, That General Powell and General Schwarzkopf be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of their acceptance, and that a copy also be forwarded to President Bush whose perception of the situation in the Gulf and his decision to withstand political pressure to extend the deadline for Iraq's withdrawal from Kuwait were vital to the allied victory and a swift end to the hostilities.

Approved April 30, 1991

Time: 11:08 A.M.

Act No. 91-52

H.J.R. 19 — Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING REAVER BROWN ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Reaver Brown; and

WHEREAS, a native of Yazoo City, Mississippi, Mr. Brown attended Humphrey County Training School in Mississippi; he then matriculated at Tennessee State University where he earned the B.S. degree in Business Administration, and later was awarded an assistantship at Long Island University, Brooklyn, New York, where he received the Master of Science degree; and

WHEREAS, Mr. Brown's professional experiences began at Toogaloo College as Assistant Business Manager for four years and, several years later, he began a career with the government in which he worked in various positions at Redstone Arsenal, retiring October 31, 1990, as a Contract Specialist with U.S. Army Missile Command at Redstone Arsenal, Alabama; and

WHEREAS, an active member of Fellowship Presbyterian Church, he has served as elder, Superintendent of Sunday School, sings with the Chancel Choir and is very active in the Men of the Church activities; and

WHEREAS, Mr. Brown, further has participated in several religious, civic and humanitarian activities; also is a member and past president of the North Huntsville Kiwanis Club and a United States Army veteran who was honorably discharged in November 1952 as a Corporal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Reaver Brown on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Brown that he may know of the Legislature's regard for his achievement.

Approved April 30, 1991

Time: 11:10 A.M.

Act No. 91-53

H.J.R. 20 — Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING EVELYN RICH ON THE OCCASION OF HER RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Evelyn Rich; and

WHEREAS, Mrs. Rich, a native of Thomasville, Alabama, attended school in the Clark County Public School System, and other of her educational achievements include a B.S. degree from Alabama A&M University where she graduated cum laude with a

major in elementary education, the M.S. degree from the University of Alabama, and further study at Alabama A&M University; and

WHEREAS, as a career woman, her professional experiences involve those of teacher in the Thomasville, Tuscaloosa City and Madison County School Systems, and service as a demonstration teacher for Alabama A&M University and the University of Alabama; and

WHEREAS, Mrs. Rich, as a former member of the Brown Memorial Presbyterian Church in Tuscaloosa and current member of the Fellowship Presbyterian Church, has been active in many Presbyterian Women Activities, sings with the Chancel Choir, and has served as Circle Chairperson; and

WHEREAS, she also has been involved in many humanitarian, civic, and community related activities, and her organizational and professional affiliations include membership in Delta Kappa Gamma Teacher's Honorary Society; Epsilon Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Inc., NAACP, LAMRON Club, NEA, MCEA and the National Council of Negro Women; and

WHEREAS, on November 1, 1990, Mrs. Rich retired from the Madison County System as a fourth grade teacher at Hazel Green School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Evelyn Rich on the numerous accomplishments of her professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mrs. Rich that she may know of the Legislature's regard for her achievement.

Approved April 30, 1991

Time: 11:12 A.M.

Act No. 91-54

H.J.R. 22 — Rep. Carter

HOUSE JOINT RESOLUTION

COMMENDING HEAD COACH HAROLD MURRELL OF ATHENS STATE COLLEGE FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, noted with highest commendation is the outstanding career of Head Coach Harold Murrell of Athens State College who, for the second time, has been named NAIA District 27 Basketball Coach of the Year; and

WHEREAS, Coach Murrell, who held coaching positions at Ardmore High School and Northwest Junior College before coming to Athens State, has an outstanding 321-190 overall career record, and has posted to date a 219-130 record during his 12 years at Athens State; and

WHEREAS, during his distinguished tenure at ASC, Coach Murrell's teams have produced one All-American and numerous All-Conference players; this year, he led the Athens State Bears to the NAIA District 27 Championship and, in turn, his team gave him his 300th career victory with a resounding 84-69 win over North Georgia in the opening game of the 1990-91 season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Harold Murrell of Athens, Alabama, on his spectacular coaching career and for his admirable contributions to the athletic program at Athens State College.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, a copy of this resolution shall be provided for presentation to Coach Murrell.

Approved April 30, 1991

Time: 11:14 A.M.

Act No. 91-55

H.J.R. 46 — Reps. Gaston, Zoghby,
Rockhold, Kvalheim,
Kennedy, Clark (W)

HOUSE JOINT RESOLUTION

COMMENDING JEFFREY H. NEWMAN FOR DISTINGUISHED SERVICE TO THE MOBILE COMMUNITY.

WHEREAS, Jeffrey H. Newman is a prominent Mobile real estate executive who has distinguished himself in dedicated service to his profession and the Mobile community; and

WHEREAS, a graduate of Biloxi Senior High School, Mr. Newman also is a graduate of the University of Southern Mississippi, where he was awarded a B.S. degree in business administration and, as a graduate fellow, the Master of Science degree; he is an active member of the Government Street Presbyterian Church where he has served on numerous committees, and a former member of the Mobile Lions Club, Bel Aire Kiwanis Club and the Junior League of Mobile Community Steering Committee on Drug Abuse; and

WHEREAS, Mr. Newman is a Licensed Real Estate Broker, a graduate of Alabama Realtors Institute and a member of Omega Tau Rho, a national honorary real estate fraternity; he also is a member and has chaired numerous committees and served in other leadership positions in the Alabama Association of Realtors, National Association of Realtors and the American Society of Association Executives; and

WHEREAS, he further is a former instructor in the University of South Alabama School of Business Administration and is a Certified Instructor for the Alabama Real Estate Commission Continuing Education Program; and

WHEREAS, in addition, however, to his many contributions in service to his profession, Mr. Newman is firmly committed to the progress and well-being of the Mobile Community and has dedicated his considerable talent and ability toward that goal; and

WHEREAS, Mr. Newman, who is a graduate of Leadership Mobile (1986) and was elected Class Representative and Chairman of the 1990 Advisory Committee on Housing, has been and continues to be actively involved in a number of other civic organizations, including the American Red Cross, Salvation Army, United Way, the Mobile Area Chamber of Commerce, Naval Station Mobile Transition Team and the Naval Station Mobile Housing Task Force; and

WHEREAS, these many organizations and their worthy endeavors have been long and loyally supported by Jeffrey Newman and in such capacities as board member, director, and as committee or task force chairman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service on behalf of the Mobile community, we hereby most highly commend Jeffrey H. Newman, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

Approved April 30, 1991

Time: 11:16 A.M.

Act No. 91-56

H.J.R. 47 — Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING SADIE W. SMITH OF MOBILE, ALABAMA,
FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND
SERVICE.

WHEREAS, the retirement of Sadie W. Smith of Mobile, one of Alabama's most prominent educators, is an appropriate occasion for tribute by the Alabama Legislature in recognition of distinguished professional achievement and service; and

WHEREAS, Ms. Smith, who holds the B.S. degree in Secondary Education, graduating Magna Cum Laude, also has a Master of Science degree in Secondary Education and Curriculum Development, and A.A. Certification in Public School Administration; and

WHEREAS, during her professional tenure, Ms. Smith served sixteen years as instructional specialist and assistant principal at Shaw High School; four years as social studies teacher at Davidson and Shaw High Schools; three years as a social studies teacher at St. Paul's Episcopal High School; and was awarded a one year Fellowship U.S.A.; and

WHEREAS, in further distinguished service, she wrote the teachers manual and student activities for the current Alabama History; helped conduct Taft Institutes at Auburn University to improve instruction in U.S. government and economics; participated in Global Issues International Studies at the American University of Cairo, Egypt; and conducted numerous in-service programs and served on various textbook committees for the Mobile County Public School System; and

WHEREAS, Ms. Smith, in recognition of achievement, is the recipient of many distinguished honors including special commendations from Governor George C. Wallace and the Crippled Children Service, and the "Heart of Gold Award" bestowed by Shaw High School Colleagues; and

WHEREAS, in an extension of her involvement, both professional and civic, Ms. Smith is a member of and active participant in such organizations as Phi Delta Kappa, Association of Secondary School Principals, Alabama Council for School Administrative United Teaching Profession, Mobile County Social Studies Council and is a member, and teacher for 18 years of the Adult Sunday School Class, of Springhill Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Sadie W. Smith of Mobile, Alabama, for distinguished service and contribution to the teaching profession, and do further provide that she receive a copy of this resolution, executed in sincere praise and with best wishes for any future success and happiness in retirement.

Approved April 30, 1991

Time: 11:17 A.M.

Act No. 91-57

H.J.R. 56 — Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING KEITH SWENDENBURG OF ETHELSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, Keith Swendenburg has been involved in scouting since joining the Boy Scouts in 1964 in Centreville, Georgia, where he went on to attain the rank of Life Scout and later participated in the Explorer program; and

WHEREAS, in 1983, he joined Troop 17 in Reform, Alabama, as Assistant Scoutmaster and, in 1985, became troop Scoutmaster; and

WHEREAS, Mr. Swendenburg, who has worked on the Junior-Leader Training Committee and headed the Council's 1990 contingent to the Philmont High Adventure Ranch, has been tapped for Virgil Honor Order of the Order of the Arrow, and recently received his woodbadge training beads; and

WHEREAS, in an extension of community involvement and service, Mr. Swendenburg also is a member and deacon at Ethelsville Baptist Church, and is a past vice-president of the Pickens County Athletic Club; and

WHEREAS, Keith Swendenburg, a graduate of Auburn University with a degree in agricultural economics, is one of our state's most prominent pork and timber producers; he is a director of both the Pickens County Farmers Federation and the State Pork Producers Association, was named Alabama Pork All-American in 1987, and represented the State of Alabama at the National Pork Producers Conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Keith Swendenburg of Ethelsville, Alabama, for outstanding achievement and service to Boy Scouts of America, the community and to Alabama's pork and timber industries.

BE IT FURTHER RESOLVED, That in token of our sincere praise and esteem, a copy of this resolution shall be forwarded to Mr. Swendenburg.

Approved April 30, 1991

Time: 11:18 A.M.

Act No. 91-58

H.J.R. 57 — Rep. Butler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WALTER FREDERICK EIGENBROD OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Walter Frederick Eigenbrod of Huntsville, Alabama, on November 7, 1990, at the age of 77 years; and

WHEREAS, a native of New Orleans, Mr. Eigenbrod was a graduate of Louisiana State University with a B.A. degree, received his law degree from Tulane University in 1941 and was a practicing attorney in Louisiana until 1947, at which time he was admitted to the bar in Alabama; and

WHEREAS, Mr. Eigenbrod, one of Huntsville's and Alabama's most prominent attorneys, also was a national labor arbitrator and in 1962 was appointed by President John Kennedy to a presidential emergency board to investigate a major management dispute involving the New York Central Railroad; he further served by appointment of President Lyndon Johnson in 1967 as an advisor to the United Nations Conference on Trade and Development in Geneva, Switzerland; and

WHEREAS, his many professional affiliations included the American Arbitration Association Voluntary Labor Arbitration Panel; National Academy of Arbitrators; the Alabama and National Bar Associations; and the Huntsville-Madison County Bar Association, which he had served as president; and

WHEREAS, Mr. Eigenbrod, in an extension of his involvement and leadership, was a past president of the Huntsville Kiwanis Club and Kiwanis International; a member of the Huntsville Little Theatre board of advisors, the Alabama State Democratic Executive Committee and the Huntsville-Madison County Railroad Authority; was a past president and member of the board of Madison County Tuberculosis Association; and had served in 1950 as chairman of the Madison County March of Dimes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Walter Frederick Eigenbrod of Huntsville, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Marie Elizabeth Eigenbrod, and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

Approved April 30, 1991

Time: 11:19 A.M.

Act No. 91-59

H.J.R. 58 — Rep. Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING J. D. ROBINSON OF NORTH JEFFERSON COUNTY LODGE #59, FRATERNAL ORDER OF POLICE.

WHEREAS, in highest commendation and esteem, the Legislature of Alabama congratulates J. D. Robinson of North Jefferson County Lodge #59, Fraternal Order of Police (F.O.P), upon his selection as the state's most outstanding Member of the Year; and

WHEREAS, J. D. Robinson, who joined F.O.P. Lodge 59 as a charter member 18 years ago, is a 27-year veteran employee of the Jefferson County Sheriff's Department, currently a sergeant assigned to the department's patrol division with responsibility for department vehicle maintenance in addition to patrol duty; and

WHEREAS, Sergeant Robinson is indeed an outstandingly dedicated law enforcement officer whose commitment to excellence in the conduct of his many duties and responsibilities has been invaluable to the Jefferson County Sheriff's Department; and

WHEREAS, he also has long and well served his local F.O.P. lodge as a former President and State Trustee; currently, and for the past nine years, as Vice President; and, additionally, is the Lodge 59 representative to the Jefferson County Association of Lodges and a member of the State Lodges' Sound Committee; and

WHEREAS, Sergeant Robinson attends all meetings of the Local, State and National Lodges, often at his own expense; he is a tireless worker in all fund-raising activities, a participant in all F.O.P. programs and projects; a proponent of the goals and high ideals of the Fraternal Order of Police; and is a three-time selection as Member of the Year in Lodge 59; and

WHEREAS, J. D. Robinson truly embodies the sterling attributes of a loyal F.O.P member who serves willingly and with selfless dedication in any task to the good and well-being of the Fraternal Order of Police; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the Jefferson County Sheriff's Department and to the Fraternal Order of Police, we hereby most highly commend J. D. Robinson and do further direct that he receive a copy of this resolution of honor and esteem.

Approved April 30, 1991

Time: 11:20 A.M.

Act No. 91-60

H.J.R. 59 — Reps. Mikell, Beasley,
Johnson, Butler

HOUSE JOINT RESOLUTION

DESIGNATING "TALK ABOUT PRESCRIPTION MONTH"
IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

WHEREAS, the improper use of prescription medicine is so pervasive in the U. S. that it is called America's other drug problem; and

WHEREAS, nearly 1.6 billion prescriptions were dispensed last year by licensed pharmacists, at a cost to Americans of nearly \$30 billion dollars; and

WHEREAS, up to half of medicines prescribed are used incorrectly, contributing to prolonged illness, avoidable side effects and interactions, unnecessary hospitalizations, and even death; and

WHEREAS, working age adults, ages 19-64, constitute the nation's most populous group of medication users; and

WHEREAS, over 200 million prescriptions are written annually for children and teenagers; and

WHEREAS, America's older consumers make up about 12% of the population but consume nearly 30% of all medicines; and

WHEREAS, there is a need for the public to be educated about the medicines they are prescribed before they take them; and

WHEREAS, there is a need for the public to understand the role of their pharmacist in the delivery of their health care and that the pharmacist is the medication expert; and

WHEREAS, the National Council on Patient Information and Education (NCPIE), a coalition of 260 organizations representing medicine, pharmacy, nursing, dentistry, allied health professions, consumer groups, government, industry, and voluntary health agencies, is committed to improving communication about prescription medicines; and

WHEREAS, the month of October has been designated as "Talk About Prescriptions Month" with the theme, "Break the Rx Silence Barrier: Talk About Prescriptions"; and

WHEREAS, the profession of pharmacy has designated the week of October 20-27, 1991, as "National Pharmacy Week" specifically to coincide with "Talk About Prescriptions Month"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of October 1991 as "Talk About Prescriptions Month" in Alabama, and the week of October 20-27, 1991, as "Alabama Pharmacy Week," and call upon all citizens to observe this important cause by educating themselves about the prescription medicines they use, understanding the role of their pharmacist and the contributions they make, and to seek advice from their health care professionals about how to use the medicines they take safely and effectively.

Approved April 30, 1991

Time: 11:22 A.M.

Act No. 91-61

H.J.R. 8 — Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING JAMES W. HORTON, JR., OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, James W. Horton, Jr., born November 5, 1951, and reared in Semmes, Alabama, has resided since the age of 16 in Wilmer where he currently serves in mayoral capacity; and

WHEREAS, educated in the public schools and a graduate of Montgomery High School, Mayor Horton was working as a heavy equipment operator and was a member of Local 653 when he was injured in a tragic swimming accident resulting in quadriplegia; and

WHEREAS, Jimmy Horton, following extensive rehabilitation therapy, developed an interest in C. B. radios and undertook a home-study course in electronics; in 1978, he was employed as a computer operator in the security department of Mobile Infirmary Medical Center, was later promoted to a supervisory position and, since January 1990, has served as assistant director of Protective Services with the center's Safety Management Division; and

WHEREAS, he also is a licensed Assembly of God minister; a member of the Mobile Area Wheelchair Club; president of the Wilmer Disabilities Foundation; and is the recipient of the 1990 Woodmen of the World Citizen of the Year award; and

WHEREAS, Mayor Horton, prior to his 1988 election to said office, served on the Wilmer Town Council and as a member of the Water Board; additional responsible positions have included membership on the Wilmer Utility Board, Mobile County Municipal Association, Mobile County Emergency Management Agency Board, the South Alabama Regional and the Alabama Planning Commissions, Mobile Greyhound Park, Alabama League of Municipalities and as Wilmer's representative on the Mobile County Personnel Board, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, service and leadership, we hereby most highly commend Mayor James W. Horton of Wilmer, Alabama, and

do further direct that he receive a copy of this resolution of high honor and esteem.

Approved April 30, 1991

Time: 11:23 A.M.

Act No. 91-62

H.J.R. 9 — Rep. Turner

HOUSE JOINT RESOLUTION

NAMING THE "HOSEA O. WEAVER BRIDGE" IN SEMMES, ALABAMA.

WHEREAS, a prominent Mobile County contractor, Hosea O. Weaver of Semmes, Alabama, contracted to erect the railroad overpass on Highway 98 in Semmes, with construction beginning in 1952; and

WHEREAS, since that time, Mr. Weaver's company, now Hosea O. Weaver and Sons, has completed construction of the overpass which, through the years, provided employment for hundreds of area workers; and

WHEREAS, Mr. Weaver has further provided assistance to numerous others in need, giving generously of his personal funds both to individuals and to many civic organizations seeking financial contributions for service projects and other worthy endeavors; and

WHEREAS, in gratitude to Hosea O. Weaver for his longtime community support, it is both fitting and desirable that he be publicly honored, and that such tribute be made in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the overpass bridge of the ICG Railroad on U. S. Highway 98 in Semmes, Alabama, is hereby named and designated as the "Hosea O. Weaver Bridge."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and

markers designating said "Hosea O. Weaver Bridge," and it is also herein provided that a copy of this honorary designation of the Alabama Legislature shall be provided for Mr. Weaver.

Approved April 30, 1991

Time: 11:24 A.M.

Act No. 91-63

H.J.R. 12 — Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING BILLY FRED LIPHAM OF NEWELL,
ALABAMA, FOR OUTSTANDING HEROISM.

WHEREAS, the Legislature of Alabama, in highest commendation and esteem, notes the heroic actions of Billy Fred Lipham of Newell, Alabama, in his successful rescue of a victim trapped in a blazing mobile home; and

WHEREAS, Fred Lipham, chief of the Newell Volunteer Fire Department, happened upon the scene of the fire on October 6, 1990, and called immediately for assistance from three volunteer fire departments which arrived within minutes of Chief Lipham's calls; and

WHEREAS, Mrs. Ida Andrews, however, was trapped inside the trailer from which deadly smoke billowed on both sides while flames scorched both the back and middle areas; and

WHEREAS, Chief Lipham, who caught a glimpse of the victim as she fled down the smoke filled hallway, unhesitatingly entered the burning home and pulled Mrs. Andrews to safety; and

WHEREAS, Billy Fred Lipham is indeed deserving of highest praise for this courageous deed, and to be commended for his fearless response to imminent danger at the risk of his own life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding courage and heroism, we hereby most highly commend Billy Fred Lipham of Newell, Alabama, and do further direct

that he receive a copy of this resolution of sincere admiration and warmest personal regard.

Approved April 30, 1991

Time: 11:25 A.M.

Act No. 91-64

H.J.R. 17 — Rep. Rogers (F)

HOUSE JOINT RESOLUTION

COMMENDING CAROLYN G. WRIGHT OF EMPIRE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in highest commendation, the Legislature of Alabama congratulates Carolyn G. Wright of Empire, Alabama, as the recipient of a United States Department of Education Christa McAuliffe Fellowship; and

WHEREAS, Mrs. Wright, a sixth-grade teacher at Jefferson County's Gardendale Elementary School who was nominated by a state-appointed selection committee, received a \$33,000 federal grant to implement her educational project called, "Thrills! Chills! Spills of Space"; and

WHEREAS, designed to stimulate interest in aviation and space exploration, Mrs. Wright's proposal involves a series of activities, including experiments, lectures and field trips, to motivate and evoke enthusiasm in her students' pursuit of knowledge in the areas of aviation and space exploration; and

WHEREAS, Mrs. Wright is indeed to be most highly praised for her dedication to the teaching profession and the furtherance of educational excellence in our schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional accomplishments and as an exemplary teacher firmly committed to student achievement, we hereby commend Carolyn G. Wright of Empire, Alabama, to whom a copy of this resolution of highest esteem shall be presented.

Approved April 30, 1991

Time: 11:26 A.M.

Act No. 91-65

H.J.R. 23 — Rep. Carter

HOUSE JOINT RESOLUTION

CONGRATULATING THE ATHENS STATE COLLEGE BEARS ON THE NAIA DISTRICT 27 CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Athens State College Basketball Team on their sensational 1990-91 season and the NAIA District 27 Championship; and

WHEREAS, from the season opener, an 84-60 win over North Georgia and the 300th career victory for Head Coach Harold Murrell, to the District 27 finals and a 99-92 edge over Faulkner University for the Championship, the ASC Bears enjoyed a record-breaking season and carried a 22-9 record to the NAIA National Tournament in Kansas City, Missouri, where they reached the quarterfinals; and

WHEREAS, the ASC cagers, only eight at the start of the season, overcame their lack of depth to break or tie five school records (Two-Year Upper Division Institute) in 1990-91 including most points scored in a season (2,622), most points scored in a game (122 against Selma University), highest free throw percentage in a season (.775), and most rebounds in a season (1,142); and

WHEREAS, under the talented direction of Head Coach Harold Murrell, the Champion Bears are seniors Ben Wiley (All-District), Edward Daniel (All-District and two-time Southern States Conference Player of the Week); junior Rodney Hutchinson (All-District and SSC Player of the Week); along with their talented teammates, seniors Joe Moffett and Daryl Wilson, and juniors David Benning, Terrance Weaver, Matt Hubbard and Dedric Bradley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Harold Murrell and the Athens State NAIA District 27 champions, and do further direct that copies of this resolution be provided for appropriate presentation and display.

Approved April 30, 1991

Time: 11:27 A.M.

Act No. 91-66

H.J.R. 24 — Reps. Rockhold, Zoghby,
Gaston, Harper, Kennedy,
Kvalheim, Clark (W), Box,
Buskey (JE)

HOUSE JOINT RESOLUTION

COMMENDING MARIE ANDREWS MCCONNELL,
MOBILE'S FIRST LADY FOR 1990.

WHEREAS, the Legislature of Alabama, in highest commendation, notes the selection of Marie Andrews McConnell as Mobile, Alabama's First Lady for 1990, an honor bestowed annually by Beta Sigma Phi Sorority in recognition of outstanding achievement and service; and

WHEREAS, Mrs. McConnell, a native Mobilian, is a former secretary for U. S. Representative Jack Edwards and a past executive secretary and campaign coordinator for the Republican Executive Committee; also previously employed as a real estate agent and real estate management consultant, she now operates her own highly successful business, Marie McConnell Realty, established in 1981, and permanently housed in an office building built in 1986 and owned by Mrs. McConnell; and

WHEREAS, reflecting her success in the business world are a number of outstanding honors and recognitions on local, state and national levels including Mobile's Small Business of the Year; Outstanding Achievement for Small Business; Realtor of the Year; national recognition, for six consecutive years, for placing in the top ten percent of real estate firms, based on customer service and professionalism; certified real estate broker, a designation earned by fewer than three percent of brokers nationwide; Alabama Sales Person of the Year; and the American Real Estate Institute's Broker of the Year, among others; and

WHEREAS, Marie McConnell, although professionally involved through service and leadership in a number of real estate and related organizations, has extended her considerable talent and ability to encompass service and support of such worthy community activities and organizations as United Way, Penelope Home Advisory Board, Women's Advisory Board of Springhill Memorial Hospital, Mobile College Scholarship Committee, the Adopt-A-Family program, sponsorship and support of many school and youth activities, and current service on the Mobile Area Chamber of Commerce Board as the first woman ever elected to the Chamber's executive committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest recognition for outstanding professional achievement and service to community, we hereby commend Mobile's First Lady for 1990, Marie Andrews McConnell, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11: 28 A.M.

Act No. 91-67

H.J.R. 25 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING ERNEST CARTER FOR DISTINGUISHED SERVICE TO HIS FELLOWMAN.

WHEREAS, Ernest Carter received a "call" to enter the health care field some 17 years ago during the critical illness and long-term hospitalization of his young son; although serving in the military at the time, Ernest Carter resolved to spend his life caring for others and, upon discharge from the service, immediately applied for employment with the Good Samaritan Hospital; and

WHEREAS, in working with West Alabama Home Health Care for the past 12 years, Mr. Carter has been an exemplary employee, and one who goes above and beyond the call of duty in caring for homebound clients; and

WHEREAS, Mr. Carter, for example, often makes unscheduled visits to check on his clients, and such was the case on June 29, 1990, when he stopped by the house of a patient in the Collirene Community in Lowndes County; upon hearing screams and a call for help, he rushed into the home where he found the elderly stroke victim trapped in his burning bed; and

WHEREAS, Mr. Carter quickly extinguished the blaze and lifted the partially paralyzed patient to safety, away from the deadly smoke rising from the smoldering bedding; and

WHEREAS, Ernest Carter is indeed a compassionate and caring human being and, as a result of his personal interest in his patients and his quick response in this life threatening situation, a man's life was saved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of great courage and valor, and distinguished service to his fellowman, we hereby most highly commend Ernest Carter, and do further direct that he receive a copy of this resolution of sincere admiration and esteem.

Approved April 30, 1991

Time: 11:29 A.M.

Act No. 91-68

H.J.R. 28 — Rep. Willis

HOUSE JOINT RESOLUTION

COMMENDING JOHN R. WHALEY OF JACKSONVILLE HIGH SCHOOL UPON RECEIVING THE NATIONAL AGRICULTURE TEACHER ASSOCIATION'S YOUNG TEACHER AWARD.

WHEREAS, it is with great pride and pleasure the Alabama Legislature notes that John R. Whaley, who teaches seventh and eighth grade vocational education classes and is involved in leadership in the Future Farmers of America chapter at Jacksonville High School, was recently selected by John Deere and Company to receive the National Agriculture Teacher Association's Young Teacher Award; and

WHEREAS, today's agriculture has more than 200 rewarding and challenging careers in production agriculture and off farm occupations; and

WHEREAS, agriculture education is continually faced with maintaining qualified teachers, John Deere and Company and the National Agriculture Teacher Association recognize those who have taught six years or less and have assumed an active role in professional leadership, been active in community activities and have implemented program innovations to meet the needs of local agriculture students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby congratulate John R. Whaley upon his being selected to receive the National Agriculture Teacher Association's Young Teacher Award.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to John R. Whaley and to Jacksonville High School with

our deepest appreciation for the outstanding contribution to the betterment of this state.

Approved April 30, 1991

Time: 11:30 A.M.

Act No. 91-69

H.J.R. 30 — Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING SAMUEL SANDERS ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Samuel Sanders; and

WHEREAS, Samuel Sanders, a native of Montgomery, Alabama, attended school in the Montgomery Public School System, graduating from Carver High School in 1953; additionally, he has completed twenty-five technical and managerial programs totalling 4,416 classroom hours, and he has also attended J. F. Drake Technical School; and

WHEREAS, Mr. Sanders' professional experience included employment at the Gunter Air Force Base followed by a civil service appointment with the Department of Army at Redstone Arsenal; after holding various positions with the Army Missile Command, he retired November 30, 1990, as supervisory engineering technician; and

WHEREAS, as a member of the Holt Street Baptist Church in Montgomery, he served as a member of the church choir and, upon moving to Huntsville, continued his service by assisting in establishing the First Boy Scout troop at Fellowship Presbyterian Church, and served as Scoutmaster; and

WHEREAS, Mr. Sanders has participated in several civic and community related activities; holds membership in the Masons, IPBOE Order of Elks, and is a charter member of the North

Alabama Golf Association which he has served as President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Samuel Sanders on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sanders that he may know of the Legislature's regard for his achievement.

Approved April 30, 1991

Time: 11:32 A.M.

Act No. 91-70

H.J.R. 31 — Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING ROBERT BURTON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Robert Burton; and

WHEREAS, Robert Burton, a native of Mobile County, attended Mobile County Training School where he received his diploma in 1952 and, in 1960, he was awarded the B.S. degree from Alabama A&M University; and

WHEREAS, Mr. Burton's professional experiences began in Bibb County where he taught for two years; he then joined the Extension Service in 1962 where he remained until retirement on November 30, 1990; and

WHEREAS, as an active member of Fellowship Presbyterian Church, he has served on the Stewardship Committee, the Church

School Faculty and is involved also in the Men of the Church activities where he has served as President and in other capacities; and

WHEREAS, Robert Burton served with distinction in the United States military, from 1956 until honorably discharged in 1958; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert Burton on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Burton that he may know of the Legislature's regard for his achievement.

Approved April 30, 1991

Time: 11:33 A.M.

Act No. 91-71

H.J.R. 32 — Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING JOSEPH JOHNSON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Joseph Johnson; and

WHEREAS, a native of Cordele, Georgia, Mr. Johnson received his early education in the private church and public schools of Cordele, Georgia, earned his B.S. degree from Albany State College in Elementary Education, and the M.S. degree from Alabama A&M University in 1969; and

WHEREAS, his professional career began with a teaching position in Perry, Georgia, and extended to teaching assignments with the Huntsville City Schools, specifically at West End Elementary, Colonial Hills and Chapman Middle School before his

retirement, September 1, 1990, from Chapman Middle School as a sixth grade teacher; and

WHEREAS, Mr. Johnson is an active member of Fellowship Presbyterian Church having served as deacon and treasurer, and has worked diligently in many Men of the Church activities; and

WHEREAS, he also has been involved in several civic and community related activities, and holds membership with such organizations as the IBPOE Order of the Elks, Phi Beta Sigma Fraternity, HTEA, AEA and NEA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Joseph Johnson on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Johnson that he may know of the Legislature's regard for his achievement.

Approved April 30, 1991

Time: 11:34 A.M.

Act No. 91-72

H.J.R. 67 — Reps. Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan,

Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight, Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain,
 McDaniel, McDowell,
 McKee, McMillan, Melton,
 Mikell, Millican, Morrow,
 Morton, Newman, Newton
 (C), Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GERALD CLYDE MINSHEW OF ANNISTON, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Gerald Clyde Minshew of Anniston, Alabama, on April 12, 1991, at the age of just 55 years; and

WHEREAS, the son of the late Mr. and Mrs. Weldon Clyde Minshew, and a native of Oxford, Alabama, Mr. Minshew attended Oxford High School and was a graduate of Marion Military Institute; he also attended Auburn University and served two years in the United States Army; and

WHEREAS, Mr. Minshew retired from Alabama Coca-cola Bottling Company in 1987, after 23 years service, and had served as president of Micro-labs, Inc.; and

WHEREAS, in addition, however, to the responsibilities of business, Mr. Minshew was involved in a number of civic and community affairs and was a member of the First United Methodist Church of Anniston, charter member of the Anniston Morning Rotary Club, a member of the United Way Appropriations Committee, and of the Rod and Reel Club; and

WHEREAS, Gerald Clyde Minshew was indeed a very prominent and beloved member of the community and his lamentable

death has left a deep void in the lives and hearts of his family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Gerald Clyde Minshew of Anniston, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Laura Rowell Minshew; daughters, Sarah Watson, Martha Minshew and Laura Jackson; to his grandchild; sisters, Annette Perkins and Logene Griffin; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:35 A.M.

Act No. 91-73

H.J.R. 68 — Rep. Campbell

HOUSE JOINT RESOLUTION

COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Anniston Middle School Scholars Bowl Team on the 1991 Alabama Middle School Scholars Bowl Championship; and

WHEREAS, Anniston Middle School, in only its second year of participation in the Scholars Bowl program, went undefeated at the district level against teams from Talladega, Cleburne, Etowah and Calhoun Counties, and, as district champions, qualified for the first middle school competition ever held at the state level; and

WHEREAS, superbly tutored by Coaches Wilma Guthrie and Judy Fleischamel, the AMS Scholars Bowl Champions are Tommy Alexy, Todd Clark, Cameron Kirkpatrick, Rhett Sypher, Tommy Temple and Team Captain Brian Wilhoite, all seventh grade students who, in competition primarily with eighth-grade teams, captured the first Alabama Middle School Scholars Bowl Championship and thereby are a source of great pride to their school and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the State Championship Anniston Middle School Scholars Bowl Team

for 1991, and do further provide that copies of this resolution be forwarded to Coaches Guthrie and Fleischamel for appropriate presentation and school display.

Approved April 30, 1991

Time: 11:36 A.M.

Act No. 91-74

H.J.R. 69 — Reps. Beasley, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, **Millican, Morrow, Morton**, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford,

Sanderson, Smith (C),
Smith (R), Spratt,
Starkey, Thomas, Turner,
Turnham, Venable,
Walker, Warren, White,
Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FLOYD HOWARD GRAY, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of Floyd Howard Gray, Jr., of Montgomery, Alabama, on April 2, 1991, at the age of just 36 years; and

WHEREAS, Mr. Gray, who was former executive director of the Alabama Pharmaceutical Association, was serving at the time of his death as a legislative assistant with the Alabama Hospital Association and, in these capacities and through close association, was a valued friend of many members of the Legislature; and

WHEREAS, in addition, however, to his professional responsibilities, Mr. Gray assumed a leadership role in the community as a member, deacon and as director of Vacation Bible School for three years at Vaughn Road Church of Christ; he also filled in as pastor at Salem Church of Christ, served with Agape of Central Alabama, worked with the Boy Scouts and was a soccer coach; and

WHEREAS, the death of Floyd Howard Gray, Jr., has indeed left a deep void in the life of his community and in the hearts of his family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Floyd Howard Gray, Jr., of Montgomery, Alabama, and extend deepest sympathy to his wife, Mrs. Phoebe Gray; to his son and daughter, Floyd Howard Gray, III, and Elizabeth Rebecca Gray; to his father and stepmother, Mr. and Mrs. Floyd Howard Gray; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:37 A.M.

Act No. 91-75

H.J.R. 72 — Reps. Buskey (JE),
Clark (W), Kennedy

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FRED BURKS OF MOBILE
COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Fred Burks of Mobile County, Alabama, on April 12, 1991; and

WHEREAS, Coach Fred Burks devoted his entire professional career to teaching and coaching youths of Mobile County; and

WHEREAS, Coach Fred Burks developed outstanding athletes in football and other sports; and

WHEREAS, Coach Fred Burks was instrumental in securing athletic scholarships for many athletes in Mobile County; and

WHEREAS, Coach Fred Burks inspired and motivated many students to achieve excellence in their life endeavors; and

WHEREAS, Coach Burks served as a role model for our youths in public education; and

WHEREAS, Coach Burks played on two Williamson High School state championship football teams; and

WHEREAS, Coach Fred Burks was elected to Mississippi Valley University Athletic Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Fred Burks of Mobile County, Alabama, and extend heartfelt sympathy to his beloved wife, Mrs. Barbara Mills Burks; to his son, Fred D. Burks, II; daughters, Ingrid Helena Burks and Brooke Alexis Burks; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:38 A.M.

Act No. 91-76

H.J.R. 74 — Reps. Hooper, Anderson,
Barnes, Beasley, Biddle,
Black (L), Black (M),
Blakeney, Bowling, Box,

Bryant, Bugg, Burke,
 Buskey (JE),
 Buskey (JL), Butler, Cagle,
 Campbell, Carns,
 Carothers, Carter, Clark
 (J), Clark (W), Clay, Cosby,
 Crow, Cullins, Curry,
 Dolbare, Drake, Escott-
 Russell, Flowers, Ford,
 Freeman, Fuller, Gaines,
 Gaston, Goodwin, Grayson,
 Gullatt, Hall, Hamilton,
 Hammett, Haney, Harper,
 Harvey, Hawkins, Haynes,
 Higginbotham, Hill,
 Hogan, Holladay, Holley,
 Holmes, Johnson,
 Kennedy, Knight,
 Kvalheim, Laird, Layson,
 Letson, Lindsey, Mathis,
 McClain, McDaniel,
 McDowell, McKee,
 McMillan, Melton, Mikell,
 Millican, Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner,
 Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIE VIRGE LYERLY OF MONTGOMERY, ALABAMA.

WHEREAS, a source of deep sorrow to the Legislature of Alabama is the lamentable death of Willie Virge "Bill" Lyerly of Montgomery, Alabama, on March 31, 1991, at the age of 69 years; and

WHEREAS, a native of Wetumpka, Bill Lyerly grew up in Tallassee where he attended public school and, upon graduation from high school in 1940, joined the United States Army; following the outbreak of World War II and the ensuing mobilization of U. S. troops, he became one of the Army's youngest master sergeants and was the recipient of numerous medals and other citations for distinguished service in combat in Africa, Italy, France and Germany; and

WHEREAS, upon returning to Alabama, Bill Lyerly joined Governor James E. Folsom's 1946 campaign and, during Folsom's terms in office, served in a number of positions including Chief of Staff and Executive Secretary to the Governor; he was named Director of the Department of Public Safety in 1955 and, in this capacity, worked tirelessly for the implementation of the first retirement system for state troopers, which subsequently was approved by the Legislature; and

WHEREAS, after retiring in 1958 from the Department of Public Safety, he was appointed by Governor Folsom to fill a vacancy in the office of Montgomery County Tax Collector; in the next following election, he defeated seven opponents in the primary to win election and, during the next eight succeeding elections, was returned to office without opposition, thereby rendering invaluable service to the City of Montgomery for more than 32 years; and

WHEREAS, Bill Lyerly, although one of our state's most dedicated public servants, stood equally as tall in his commitment to community service and leadership and most particularly to Morningview Baptist Church where he was a Sunday School teacher for 25 years; as a member of the Lions Club and active participant in the club's sight program; and as a supporter of the YMCA's youth programs and other community youth projects; and

WHEREAS, he also was a lifetime member of the YMCA Board of Directors, a founding member of the Hitchcock Program, and 1970 YMCA Man of the Year, among other honors and trusts which clearly reflect his regard within the community; and

WHEREAS, Bill Lyerly was truly a man of honor and integrity; one of steadfast purpose who sought not stature, but satisfaction in serving others and, in all humility and unassuming dignity, left an indelible mark in the hearts of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and consummate service of Willie Virge Lyerly of Montgomery, Alabama, and extend

our deepest and most heartfelt sympathy to his wife, Ann B. Lyerly; sons, Thomas Ray Boroughs and William Wear Lyerly; and to his grandchildren, Rebekah Ann Boroughs, Samuel Laird Boroughs and Cameron Elizabeth Lyerly, whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved April 30, 1991

Time: 11:39 A.M.

Act No. 91-77

H.J.R. 75 — Rep. Hooper

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN RANDOLPH PENTON, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, grievously recorded by the Legislature of Alabama is the death of John Randolph Penton, Jr., of Montgomery, Alabama, on March 16, 1991, at the age of 71 years; and

WHEREAS, a native and lifelong resident of Montgomery, Dr. Penton was a member of a prominent family of physicians; he was the son of the late Dr. John Randolph and Minnie McKay Penton, and his brother, Dr. George Blue Penton, recently retired from the practice of medicine; and

WHEREAS, Dr. Randolph Penton, Jr., a United States Army veteran and a lifelong member of Trinity Presbyterian Church, was engaged in private practice for many years and was one of the original physicians on the staff of Jackson Hospital; he also was the founder and past president of the Montgomery Arthritis Foundation and had served as president of the Alabama Heart Association; and

WHEREAS, in the lamentable death of Randolph Penton, Jr., the Montgomery and medical communities have indeed suffered a deep and grievous loss that leaves a void in the lives and hearts of his family, former patients and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply

saddened by the death of John Randolph Penton, Jr., of Montgomery, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Jean E. Penton; daughters, Marianne P. Clements and Betty Jean Goff; to his grandsons, Kirby P. and John T. Clements, and Wayne Goff; brother, Dr. George B. Penton; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved April 30, 1991

Time: 11:40 A.M.

Act No. 91-78

H.J.R. 78 — Reps. Black (L), Kennedy, Buskey (JE), Clark (W), Thomas, Warren, Campbell, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne,

Penry, Perdue, Petelos,
 Poole, Powell, Rich,
 Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey, Turner,
 Turnham, Venable,
 Walker, White, Williams,
 Willis, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. SADIE JEAN RASPBERRY BRYANT OF NEWBERN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the lamentable death of Mrs. Sadie Jean Raspberry Bryant of Newbern, Alabama, on April 17, 1991; and

WHEREAS, a native of Selma, Alabama, and a graduate of Alabama State University with the B.A. and Master's degrees, Mrs. Bryant was a former teacher with the Perry County School System and, throughout her distinguished tenure, greatly impacted upon the lives of the many students privileged to her counsel and tutelage; and

WHEREAS, Mrs. Bryant was a member of Mount Valley AME Zion Church where she served faithfully as president of the Church Choir and as church secretary for many years, and was active also in support of other programs of concern to the Newbern community and State of Alabama; and

WHEREAS, among numerous civic and professional affiliations, Mrs. Bryant was a member of the Perry County Teachers Association, Perry County Retired Teachers Association, the Alabama and National Educational Associations, and the Alabama State Legislators Spouses Association which she had served as vice-president; and

WHEREAS, the death of Mrs. Bryant has indeed left an unfathomable void in the life of her community, and in the hearts of her loving family and many, many friends; and

WHEREAS, Mrs. Sadie Jean Bryant, the beloved wife of our friend and colleague, Representative Jenkins Bryant, Jr., is survived also by her daughter and son-in-law, Cynthia and Dr. Bennett Desadier; grandchildren, LaKimba Benne', Kamilah Bahati and Bennett "Bryant" Desadier; niece, Audra Faye; and by

other family members and many friends, all of whom are sorely bereft in their inconsolable loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Sadie Jean Raspberry Bryant of Newbern, Alabama, and extend deepest and most heartfelt sympathy to her family, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and grievous loss.

Approved April 30, 1991

Time: 11:42 A.M.

Act No. 91-79

H.J.R. 89 — Reps. Knight, Holley, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow,

Morton, Newman,
 Newton (C), Newton (D),
 Parker (P), Parker (T),
 Payne, Penry, Perdue,
 Petelos, Poole, Powell,
 Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt,
 Starkey, Thomas,
 Turner, Turnham,
 Venable, Walker,
 Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING "DR. LEON DAVIS DAY."

WHEREAS, Coach Leon Davis has served the University of Montevallo faithfully for 27 years, the last 22 of which have been as Athletic Director; and

WHEREAS, he has announced his plans to retire in August; and

WHEREAS, he has coached the Golf Team since 1971, producing three All-Americans and several teams ranked in the NAIA top twenty; and

WHEREAS, he has served many years on the NAIA Executive Committees, both at the district and national levels, thereby providing important leadership; and

WHEREAS, he has served four year terms as the fourth, third, second and first vice president of NAIA; and

WHEREAS, Dr. Davis has been named to the University of Montevallo Sports Hall of Fame and the NAIA Hall of Fame; and

WHEREAS, he is the one person most responsible for the development of the University of Montevallo's outstanding athletic program, having served as UM's first men's basketball coach and its only athletic director; and

WHEREAS, The University of Montevallo and the State will miss his active leadership as Athletic Director, but know that his many contributions will continue even in retirement; and

WHEREAS, the fruits of his labors are seen throughout our State and nation in the lives of former student athletes who learned under his able direction and who are now contributing as active, responsible citizens and leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby salute and applaud Dr. Leon Davis as he nears his retirement, and do also salute the various athletic teams over which he has provided key leadership.

BE IT FURTHER RESOLVED, That we hereby designate the date of the Sports Banquet at the University of Montevallo as "DR. LEON DAVIS DAY" and direct a copy of this resolution be provided to Dr. Davis as a token of our high regard, esteem, and respect and with sincere best wishes for a happy retirement.

Approved May 2, 1991

Time: 3:00 P.M.

Act No. 91-80

H.J.R. 44 — Rep. Harper

HOUSE JOINT RESOLUTION

PROVIDING FOR REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN MEMBERS THAT ATTENDED THE 1991 LEGISLATIVE BUDGET HEARINGS.

WHEREAS, Senate Joint Resolution 9 passed by both houses of the Legislature in the 1991 Organizational Session and which provided for the continuation of the Joint Interim Committee on Finances and Budgets was subsequently pocketvetoed by the Governor; and

WHEREAS, the Legislature has a constitutional duty to appropriate state funds and legislative budget hearings are a vital part of that appropriation process; and

WHEREAS, it was decided to proceed with previously scheduled legislative budget hearings; and

WHEREAS, expenses of members of the Joint Fiscal Committee, the Legislative Council and the Joint Continuing Committee to Study the Tax Structure of the State of Alabama were paid through those committees for their attendance at legislative budget hearings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such additional House members as appointed by the Speaker of the House of Representatives and such additional Senate members as appointed by the Lieutenant Governor of the State of Alabama shall, in addition to any other expense allowance or compensation payable by law, be reimbursed expenses for each day that member attended legislative budget hearings of \$50 per day plus 25 cents per mile for one round-trip for each week that such member attended legislative budget hearings.

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives shall certify to the Clerk of the House of Representatives and the Lieutenant Governor of the State of Alabama shall certify to the Secretary of the Senate the names of such members appointed by each official respectively and the amount of reimbursable expenses due each member. Said reimbursement for expenses shall be payable from any funds appropriated to the Legislature and shall be paid to each member as soon as practical after certification by the appointing official.

This Act became a law under Section 125 of the Constitution on May 3, 1991 without approval by the Governor.

Act No. 91-81

S.J.R. 13 — Senator Mitchell

SENATE JOINT RESOLUTION

INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.

WHEREAS, the year 1991 has been designated as the year to commemorate the Bill of Rights in Alabama and throughout the nation; and

WHEREAS, the Alabama Legislature desires to recognize this historical document in a significant way; and

WHEREAS, the Attorney General of the United States is the nation's leading law enforcement official whose duties and responsibilities include defending and protecting the rights of all Americans as guaranteed by the Bill of Rights; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request the Honorable Richard L. Thornburgh, United States Attorney General, to address a joint session of the Alabama Legislature on Thursday, May 2, 1991, at 10:00 a.m., whereupon the Alabama Senate and the Alabama House of Representatives will assemble in joint session to hear his remarks.

BE IT FURTHER RESOLVED, That Attorney General Thornburgh be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

Approved May 7, 1991

Time: 3:00 P.M.

Act No. 91-82

S.J.R. 29 — Senators Figures, Bedsole,
Wilson and Lipscomb

SENATE JOINT RESOLUTION

NAMING THE NEW BRIDGE ON BAY BRIDGE ROAD IN MOBILE, ALABAMA, WHICH SPANS THE MOBILE RIVER, THE "COCHRANE-AFRICATOWN USA BRIDGE."

WHEREAS, a replacement bridge for the old Cochrane Bridge on Bay Bridge Road in Mobile, Alabama, is now completed and has been informally christened the "Cochrane-Africatown USA Bridge"; and

WHEREAS, it was near the site of this new bridge that the schooner Clotilde docked with the last cargo of Africans to be smuggled into this country for the purpose of slavery; and

WHEREAS, most of the Africans who were aboard that ship settled the community surrounding the bridge and called it Africatown; and

WHEREAS, the Legislature of the State of Alabama memorialized this fact by an act known as the "Africatown, U.S.A. Act of 1985," Sections 41-10-230 through 41-10-240, Code of Alabama 1975; and

WHEREAS, it is the desire of this body that an appropriate and lasting tribute be officially made to the legacy of Africatown, USA, and its prominent role in the history of our state and country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially name and designate the new bridge on Bay Bridge Road in Mobile, Alabama, spanning the Mobile River, as the "Cochrane-Africatown USA Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said bridge as the "Cochrane-Africatown USA Bridge."

Approved May 7, 1991

Time: 3:02 P.M.

Act No. 91-83

S.J.R. 30 — Senator Barron

SENATE JOINT RESOLUTION

DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

WHEREAS, the improper use of prescription medicine is so pervasive in the U. S. that it is called America's other drug problem; and

WHEREAS, nearly 1.6 billion prescriptions were dispensed last year by licensed pharmacists, at a cost to Americans of nearly \$30 billion dollars; and

WHEREAS, up to half of medicines prescribed are used incorrectly, contributing to prolonged illness, avoidable side effects and interactions, unnecessary hospitalizations, and even death; and

WHEREAS, working age adults, ages 19-64, constitute the nation's most populous group of medication users; and

WHEREAS, over 200 million prescriptions are written annually for children and teenagers; and

WHEREAS, America's older consumers make up about 12% of the population but consume nearly 30% of all medicines; and

WHEREAS, there is a need for the public to be educated about the medicines they are prescribed before they take them; and

WHEREAS, there is a need for the public to understand the role of their pharmacist in the delivery of their health care and that the pharmacist is the medication expert; and

WHEREAS, the National Council on Patient Information and Education (NCPIE), a coalition of 260 organizations representing medicine, pharmacy, nursing, dentistry, allied health professions, consumer groups, government, industry, and voluntary health agencies, is committed to improving communication about prescription medicines; and

WHEREAS, the month of October has been designated as "Talk About Prescriptions Month" with the theme, "Break the Rx Silence Barrier: Talk About Prescriptions"; and

WHEREAS, the profession of pharmacy has designated the week of October 20-27, 1991, as "National Pharmacy Week" specifically to coincide with "Talk About Prescriptions Month"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of October 1991 as "Talk About Prescriptions Month" in Alabama, and the week of October 20-27, 1991, as "Alabama Pharmacy Week," and call upon all citizens to observe this important cause by educating themselves about the prescription medicines they use, understanding the role of their pharmacist and the contributions they make, and to seek advice from their health care professionals about how to use the medicines they take safely and effectively.

Approved May 7, 1991

Time: 3:04 P.M.

Act No. 91-84

S.J.R. 33 — Senators Little and Sanders

SENATE JOINT RESOLUTION

COMMENDING ROBERT M. CRESWELL OF CAMDEN, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR FROM THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

WHEREAS, on April 4, 1991, Robert M. Creswell of Camden, Alabama, was awarded the Medal of Honor, bestowed by the National Society of the Daughters of the American Revolution in recognition of leadership, trustworthiness, patriotism and service; and

WHEREAS, Mr. Creswell, retired resource manager with the U.S. Corps of Engineers and a member of the Camden City

Council, has served as president of the Camden Exchange Club, a deacon at Camden Baptist Church and as chairman of many economic growth and community improvement programs; and

WHEREAS, he further was among 22 county representatives honored for leadership in 1981 by the Alabama Cooperative Extension Service, the State Chamber of Commerce and Liberty National Life Insurance Company; and

WHEREAS, a veteran of World War II, Mr. Creswell served 15 years in the Army Reserve, retiring as a lieutenant colonel; on active duty during the war, he was a private in the United States Army, completed OSC and Parachute School in 1942 and was discharged as a captain in 1946; and

WHEREAS, Robert Creswell is indeed an outstanding patriot and community leader, and one who richly deserves the prestigious recognition signified by the Medal of Honor, the highest honor bestowed by the National DAR upon a non-member citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest honor and esteem, we hereby commend Robert M. Creswell of Camden, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved May 7, 1991

Time: 3:06 P.M.

Act No. 91-85

S.J.R. 34 — Senator Bolling

SENATE JOINT RESOLUTION

URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

WHEREAS, certain Social Security recipients born between 1917 and 1921 are receiving reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, "Notch Babies" who reached age 62 between 1979 and 1983 have been forced to accept a substantial decrease in benefits under the new computation method as opposed to what their benefits would have been under the old method used prior to 1977; and

WHEREAS, Congress has allowed this inequity to continue without resolution since it was first brought to their attention in 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Congress of the United States to take the necessary legislative action during its 1991-92 session to correct the "Notch Baby" Social Security inequity.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to every member of the Alabama congressional delegation.

Approved May 7, 1991

Time: 3:08 P.M.

Act No. 91-86

S.J.R. 38 — Senator Horn

SENATE JOINT RESOLUTION

COMMENDING COACH HAYWOOD SCISSUM OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in highest commendation and esteem, congratulates Haywood Scissum of Tuskegee, Alabama, a charter inductee into the Alabama High School Sports Hall of Fame; and

WHEREAS, a native of Attalla, Alabama, Haywood Scissum is a graduate of Tuskegee Institute, and is a United States Navy veteran with service during World War II from 1943 to 1946; and

WHEREAS, Coach "Big Train" Scissum, as he is widely known, is a former football coach at East Highland High School of Sylacauga where he posted a career record of 135-29-1 during his 18-year tenure, including the unforgettable 1969 9-0 season which resulted in 499 points for East Highland and just six points for their opponents; and

WHEREAS, East Highland, under Coach Scissum, had three undefeated seasons and only one losing season in 18 years; compiled a 34-game winning streak in the 1960s; and won the Northeastern Interscholastic Athletic Association football championship nine times, with Coach Scissum winning district Coach of the Year honors nine times while at East Highland; and

WHEREAS, he also coached track for three years during which time East Highland won two state championships and finished second the other year; and

WHEREAS, Coach Scissum is now retired from active coaching after serving from 1970 to 1981 as head coach at Tuskegee University where his 66-48-1 record is second on the University's all-time win list; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Haywood "Big Train" Scissum for outstanding achievement; we further congratulate him on his induction into the Inaugural Alabama High School Sports Hall of Fame, and direct that he receive a copy of this resolution of sincere praise and esteem.

Approved May 7, 1991

Time: 3:10 P.M.

Act No. 91-87

S.J.R. 39 — Senators Horn, Hilliard,
Waggoner, Amari,
Parsons and Bennett

SENATE JOINT RESOLUTION

COMMENDING COACH W. H. "CAP" BROWN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in highest commendation and esteem, congratulates W. H. Brown of Birmingham, Alabama, a charter inductee into the Alabama High School Sports Hall of Fame; and

WHEREAS, a native of Hartford, Alabama, W. H. Brown left school at the age of 15 to join the United States Army and served during World War II for 38 months, 27 of which were overseas with the 10th Armored Division; he also was in combat four times including the Battle of the Bulge; and

WHEREAS, he returned to school following the war, graduating from Fairfield Industrial High School, and from Tuskegee University where he was a four-sport letterman; he played professional baseball with the Birmingham Black Barons, Indianapolis Clowns and the Organized Ball minor leagues; and

WHEREAS, Coach "Cap" Brown, as he is widely known, has been head basketball coach at A. H. Parker High School since 1959, with the exception of two years as football coach, where his teams have won more than 700 games, two state championships and one national championship; and

WHEREAS, among many of Coach Brown's memorable seasons at Parker High School was the 1964 season in which his team lost the season opener, but went on to win 43 straight games and the state and national championships; and

WHEREAS, other highlights of Coach Brown's career, in 31 years at Parker High, include the Alabama Interscholastic Athletic Association state championship, the National Black Tournament championship, and a two-year winning streak of 56 consecutive games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach W. H. "Cap" Brown of Birmingham, Alabama, for outstanding achievement; we further congratulate him on his induction into the Inaugural Alabama High School Sports Hall of Fame, and direct that he receive a copy of this resolution of sincere praise and esteem.

Approved May 7, 1991

Time: 3:12 P.M.

Act No. 91-88

S.J.R. 40 — Senator Hale

SENATE JOINT RESOLUTION

COMMENDING CHESTER FREEMAN OF CULLMAN, ALABAMA.

WHEREAS, Chester Freeman has devoted most of his adult life to the service of his church, family, community and fellowman; and

WHEREAS, Chester Freeman has served the Cullman Lions Club as a member for 35 years and as past president; he also is a former Lion of the Year on both local and district levels, past president of Alabama Sight, an attendant at sixteen (16) Lion Club International Conventions, and has chaired virtually all Lions Club committees; and

WHEREAS, Chester Freeman is a past president of the Cullman County Fair Association, having served two terms in said office; a former president of the Alabama State Association of Fairs; and past president of North American Federation of Fairs; and

WHEREAS, further, Chester Freeman has served the park and recreation community on local, state and national levels; as past chairman, Cullman County Parks and Recreation Board; past president of Alabama Park and Recreation Board; and past president of the National Parks and Recreation Association; and

WHEREAS, Chester Freeman has served the business and educational communities in such capacities as past chairman of the Cullman County Industrial Development Board; as the current first vice president, Cullman County Chamber of Commerce; and is now serving as a member of the Wallace State Community College Advisory Board; and

WHEREAS, Chester Freeman is an active member of Saint Andrews United Methodist Church/ Cullman, Alabama, where he serves as chairman of the Board of Stewards, chairman of the Finance Committee, and as a Sunday School teacher for many years; and

WHEREAS, October 8, 1990, was designated and observed as Chester Freeman Appreciation Banquet Day at Wallace State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly honor and congratulate Chester Freeman for outstanding service to community and county; for distinguished service to his fellow Cullman Countians, fellow Alabamians and fellow Americans; and for dedicated service to all mankind.

BE IT FURTHER RESOLVED, That a copy of this resolution be spread upon the Journals of both the Alabama State Senate and House of Representatives that all may see and know the high esteem in which Chester Freeman is held by members of the Alabama Legislature and all citizens of the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Freeman and members of his family that they may be aware of the respect and honor bestowed upon him by the Alabama State Senate and the Alabama House of Representatives in joint concurrence.

Approved May 7, 1991

Time: 3:14 P.M.

Act No. 91-89

H.J.R. 83 — Reps. Haynes, Anderson,
Barnes, Beasley, Biddle,
Black (M), Blakeney,
Bowling, Box, Bryant,
Bugg, Burke, Buskey (JE),
Buskey (JL), Butler, Cagle,
Campbell, Carns,
Carothers, Carter,
Clark (J), Clark (W), Clay,
Cosby, Crow, Cullins,
Curry, Dolbare, Drake,
Escott-Russell, Flowers,
Ford, Freeman, Fuller,
Gaines, Gaston, Goodwin,
Grayson, Gullatt, Hall,
Hamilton, Hammett,
Haney, Harper, Harvey,
Hawkins, Higginbotham,
Hill, Hogan, Holladay,
Holley, Holmes, Hooper,
Johnson, Kennedy, Knight,
Kvalheim, Laird, Layson,
Letson, Lindsey, Mathis,
McClain, McDaniel,
McDowell, McKee,
McMillan, Melton, Mikell,
Millican, Morrow, Morton,
Newman, Newton (C),
Newton (D), Parker (P),
Parker (T), Payne, Penry,
Perdue, Petelos, Poole,
Powell, Rich, Richardson,
Rockhold, Rogers (F),
Rogers (J), Sanderford,
Sanderson, Smith (C),
Smith (R), Spratt, Starkey,
Thomas, Turner, Turnham,
Venable, Walker, Warren,
White, Williams, Willis,
Zoghby

HOUSE JOINT RESOLUTION

URGING THE SECRETARY OF THE U. S. DEPARTMENT
OF AGRICULTURE TO EXTEND HIS AGENCY'S PERSONNEL
AGREEMENT WITH THE STATE OF ALABAMA REGARDING
ANDREW P. HORNSBY, JR.

WHEREAS, as the result of an agreement between the United States Department of Agriculture and the State of Alabama, an employee of the Department of Agriculture, Andrew P. Hornsby, Jr., has been serving as Commissioner of the Alabama Department of Human Resources since January 1987; and

WHEREAS, in his position as Commissioner of Human Resources, Mr. Hornsby has demonstrated administrative excellence that has greatly benefitted the people of Alabama, particularly the poor, the elderly, and children; and

WHEREAS, the return of Mr. Hornsby to federal service at this time could result in a degradation in the operations of the Alabama Department of Human Resources and reductions in the agency's services to Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the collective wish of the Alabama Legislature that Mr. Hornsby remain in this state as Commissioner of Human Resources for an additional two years.

BE IT FURTHER RESOLVED, That the Secretary of the U. S. Department of Agriculture and other appropriate federal officials are urged by the Alabama Legislature to take whatever actions are necessary to allow Mr. Hornsby to remain in Alabama under a cooperative state-federal agreement.

Approved May 7, 1991

Time: 3:20 P.M.

Act No. 91-90

H.J.R. 87 — Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING JOHNNIE LEWIS OF NORTHPORT, "MS. SENIOR ALABAMA" FOR 1990-91 .

WHEREAS, the Alabama House of Representatives, in highest commendation, most heartily congratulates Johnnie Lewis of Northport, our state's 1990-91 "Ms. Senior Alabama"; and

WHEREAS, Ms. Lewis, in qualifying for statewide competition, was elected "Ms. Tuscaloosa County," sponsored by DCH Regional Medical Center, Focus on Senior Citizens, Business and Professional Women's Club of Northport and the Tuscaloosa

County Park and Recreation Authority; and

WHEREAS, a warm and gracious lady, Ms. Lewis' talent offering was a very beautiful vocal rendition of "Bali Hai" from the Broadway musical hit, "South Pacific" by Rodgers and Hammerstein; and

WHEREAS, Ms. Lewis, however, is not only extremely talented, but is an exemplar of volunteerism and civic participation through membership and activities in such organizations as AARP, Alabama Gerontological Society, Golden Years, Tuscaloosa Music Club, Tuscaloosa Civic Chorus, Druid City Garden and Study Club, Northport Business and Professional Women's Club, Northport Baptist Church and NBC Trailways, a senior adult club; and

WHEREAS, Ms. Lewis is indeed deserving of highest praise for her commitment to the community, most particularly in organizations of service to senior citizens, and is to be congratulated on her selection as "Ms. Senior Alabama" for 1990-91; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Johnnie Lewis of Northport, Alabama, for outstanding achievement, and do further direct that she receive a copy of this resolution of sincere regard.

Approved May 7, 1991

Time: 3:22 P.M.

Act No. 91-91

H.J.R. 79 — Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 25, 1991, they adjourn to meet again on Tuesday, April 30, 1991.

Approved May 7, 1991

Time: 3:25 P.M.

Act No. 91-92

H.J.R. 82 — Reps. Fuller, Turnham,
Mikell, Holley,
Sanderford, Haney,
Hooper, Crow, Gaston,
Mathis, Freeman,
Smith (C), Blakeney

HOUSE JOINT RESOLUTION

MEMORIALIZING THE U. S. CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT SPECIFYING THAT CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT DESECRATION OF THE AMERICAN FLAG.

WHEREAS, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

WHEREAS, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

WHEREAS, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

WHEREAS, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Speaker of the U. S. House of Representatives, the President of the U. S. Senate and all members of the congressional delegation from the State of Alabama.

Approved May 7, 1991

Time: 3:27 P.M.

Act No. 91-93

H.J.R. 84 — Reps. Flowers, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell,

McKee, McMillan,
 Melton, Mikell, Millican,
 Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne,
 Penry, Perdue, Petelos,
 Poole, Powell, Rich,
 Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey, Thomas,
 Turner, Turnham,
 Venable, Walker,
 Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING "NURSING HOME WEEK" IN ALABAMA.

WHEREAS, the citizens of Alabama now residing in nursing homes have contributed greatly to the traditions we in this State have come to cherish; and

WHEREAS, the staff and volunteers who care for residents in nursing homes have built their own unique traditions of providing quality care; and

WHEREAS, members of the American Health Care Association and the Alabama Nursing Home Association are sponsoring National Nursing Home Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate May 12-18, 1991, as "Nursing Home Week" in Alabama, and urge all citizens to join in the observance by visiting a nursing home and nursing home residents, and by setting aside some special time to learn about long-term care and the traditions of caring that nursing homes have established.

BE IT FURTHER RESOLVED, That Alabama Nursing Home Association, Inc., be provided with a copy of this resolution so designating May 12-18, 1991, as "Nursing Home Week" in Alabama.

Approved May 7, 1991

Time: 3:30 P.M.

Act No. 91-94

H. 144 — Rep. Zoghby

AN ACT

To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-13A-3, Code of Alabama 1975, is hereby amended to read as follows:

“§5-13A-3.

“A regional bank holding company may acquire an Alabama bank holding company or an Alabama bank with the approval of the superintendent. With respect to each proposed acquisition, the regional bank holding company shall submit to the superintendent an application in form and content as required by the superintendent for approval of such acquisition, which application shall be approved in the event:

“(1) The superintendent determines that the laws of the state in which the regional bank holding company making the acquisition has its principal place of business permit Alabama bank holding companies to acquire banks and bank holding companies in that state;

“(2) The superintendent determines that the laws of the state in which the regional bank holding company making the acquisition has its principal place of business permit such regional bank holding company to be acquired by the Alabama bank holding company or Alabama bank sought to be acquired. For the purposes of this subsection, an Alabama bank shall be treated as if it were an Alabama bank holding company;

“(3) The superintendent determines either that the Alabama bank sought to be acquired has been in existence and continuously operating for more than five years or that all of the bank subsidiaries of the Alabama bank holding company sought to be acquired have been in existence and continuously operating for more than five years. The foregoing requirement shall be met if the superintendent determines that either the bank or the bank subsidiaries of the bank holding company to be acquired were

“a. organized solely for the purpose of facilitating the acquisition of a bank, or an office thereof, that has been in existence and continuously operating for more than five years, or

"b. resulted from the merger or consolidation of two or more banks at least one of which has been in existence and continuously operating for more than five years, or

"c. was in existence as a bank prior to July 1, 1987 and currently is a bank subsidiary of the Alabama bank holding company.

"(4) The superintendent determines that notice of intent to acquire specifying the name of the Alabama bank or Alabama bank holding company to be acquired has been published at least once a week for two consecutive weeks during the period of 30 to 180 days prior to the effective date of the proposed merger in a newspaper of general circulation in the county or counties in which the principal office of the bank or bank holding company to be acquired is located, or that a notice of intent to acquire has been mailed via certified mail to each person owning stock in the bank or bank holding company to be acquired; and

"(5) The superintendent makes the acquisition subject to any conditions, restrictions, requirements or other limitations that would apply to the acquisition by an Alabama bank holding company of a bank or bank holding company in the state where the regional bank holding company making the acquisition has its principal place of business but that would not apply to the acquisition of a bank or bank holding company in such state by a bank holding company all the bank subsidiaries of which are located in that state."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1991

Time: 3:40 P.M.

Act No. 91-95

S.J.R. 45 — Senator Corbett

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of HJR 7 of the 1991 Regular Session shall be applicable to the Lt. Governor of Alabama.

Approved May 7, 1991

Time: 3:46 P.M.

Act No. 91-96

S.J.R. 49 — Senator Bolling

SENATE JOINT RESOLUTION

DESIGNATING MAY 1991 AS "MANUFACTURED HOUSING MONTH" IN ALABAMA.

WHEREAS, Alabama's Manufactured Housing Industry has provided more than 500,000 Alabamians with affordable, well-constructed single-family housing; and

WHEREAS, the Alabama Manufactured Housing Industry continues to initiate and support programs to enhance the quality, safety, comfort and value of its homes through progressive construction and siting standards; and

WHEREAS, Alabama ranks seventh in the nation in the production of manufactured homes, with 21 plants producing approximately 20,000 homes annually for domestic and foreign markets; and

WHEREAS, with its manufacturers, suppliers, retailers, lenders, insurers and park owners, Alabama Manufactured Housing is a billion dollar industry, providing more than 15,000 jobs and an annual payroll in excess of \$200 million; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and designate May 1991 as "Manufactured Housing Month" in Alabama, and do further urge all of our citizens to support the Manufactured Housing Industry.

Approved May 9, 1991

Time: 4:00 P.M.

Act No. 91-97

S.J.R. 50 — Senator Sanders

SENATE JOINT RESOLUTION

NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate those portions of State Highway 14 in Perry and Greene Counties as the "Martin Luther King, Jr., Highway."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portions as the "Martin Luther King, Jr., Highway," and that further the Alabama State Highway Department be advised, by copy of this resolution, of this memorial designation by the Alabama Legislature.

Approved May 9, 1991

Time: 4:02 P.M.

Act No. 91-98

S.J.R. 51 — Senator Owens

SENATE JOINT RESOLUTION

REQUESTING THE STATE HIGHWAY DEPARTMENT TO ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.

WHEREAS, a large number of people of Selma and Dallas County, Alabama, are committed to the vast natural beauty of this state; and

WHEREAS, Alabama has in that natural beauty a large number of varieties of wildflowers found in the United States; and

WHEREAS, the people of Selma and Dallas County, Alabama, do commend and express their appreciation for the wildflower planting program by the Alabama Highway Department in Dallas County, and at other sites around the state; and

WHEREAS, in other states where there has been a long-range commitment to a policy of planting and conserving native wildflowers along their highway rights-of-way, the results have proven to be extremely gratifying in terms of aesthetics, and also productive in terms of an increase in tourist dollars; and

WHEREAS, large numbers of people in Selma and Dallas County, Alabama, have been informed, and now know, that the use of native wildflowers as ground covers along Alabama's highway rights-of-way may be an alternative to other types of roadside vegetation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state officials, as well as private citizens, be alerted to the value and desirability of Alabama's beautiful and valuable natural resource, her wildflowers, and these people of Alabama do hereby request the establishment of

a policy by the Alabama Highway Department for conservation, propagation, and protection of wildflowers indigenous to the areas along appropriate portions of the highway rights-of-way of the state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of Alabama; the Mayor and City Council of Selma, Alabama; and to the Probate Judge and County Commission of Dallas County, Alabama.

Approved May 9, 1991

Time: 4:04 P.M.

Act No. 91-99

S.J.R. 44 — Senator Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JACK MCDONALD DUNLOP OF AUBURN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Jack McDonald Dunlop of Auburn, Alabama, on March 12, 1991, at the age of 75 years; and

WHEREAS, a native of Birmingham, Mr. Dunlop was a graduate of Auburn University and a United States Army veteran who served six and one-half years in the Field Artillery and was honorably discharged as a lieutenant colonel in 1946; and

WHEREAS, Mr. Dunlop, after leaving the military, worked for a short period of time with Creole Petroleum Corporation in Venezuela before returning to Alabama and settling in Lee County where he formed a real estate and development company, Dunlop and Harwell, with his wife, Lib Harwell Dunlop; and

WHEREAS, as a pioneer in the development of Auburn, Opelika and Lee County, Mr. Dunlop was involved in numerous residential and commercial developments in the area and, as his successful business grew, so did his many contributions to the real estate profession on the local, state and national levels; and

WHEREAS, he was the founder and twice president of the Lee County Board of Realtors; was named Lee County Realtor of the Year on two occasions and 1967 Alabama Realtor of the Year; served as president of the Alabama Association of Realtors in 1967; was elected in 1985 as regional vice president of the National Association, representing four Southeastern states as

well as Puerto Rico and the Virgin Islands; and was the Alabama Association's 1989 recipient of the prestigious David D. Roberts Award; and

WHEREAS, Jack Dunlop, however, also assumed a leadership role in the community as a director of SouthTrust Bank, chairman of the Red Cross drive, president of the Auburn Chamber of Commerce, alumni advisor to Delta Sigma Phi Fraternity and as a member of the Auburn Lions Club for 38 years and an active member of Auburn United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Jack McDonald Dunlop of Auburn, Alabama, and express deepest and sincere sympathy to his wife, Mrs. Elizabeth Harwell Dunlop; daughter, Jacqueline D. Durden; sons, Daniel M., II, and William Dunlop; to his grandchildren; and to other family members, whose sorrow we share and for whom a copy of this resolution of condolence shall be provided.

Approved May 9, 1991

Time: 4:06 P.M.

Act No. 91-100

H.J.R. 104 — Rep. Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING JULIE MOON OWENS OF CENTREVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND LEADERSHIP.

WHEREAS, in a desire to recognize young Alabamians of achievement, the Legislature of Alabama notes with commendation the numerous accomplishments of Julie Moon Owens of Centreville, Alabama, a senior at Auburn University; and

WHEREAS, Julie Owens, an honor student with an impressive 3.7 G.P.A., has displayed extraordinary leadership qualities throughout her college career as evidenced by her selection to both Phi Eta Sigma and Alpha Lambda Delta freshman honorary societies; to Cardinal Key, a junior leadership honorary; and to Omicron Delta Kappa (ODK), a prestigious honor society that has recognized outstanding senior campus leaders since 1914; and

WHEREAS, she also is a member of Alpha Gamma Delta sorority, is a Phi Gamma Delta Little Sister, a member of Who's Who Among American Colleges and Universities, and has served

as secretary and vice president of Student Alabama Education Association (SAEA); and

WHEREAS, other of Miss Owens' many involvements include her activities and duties as a Student Recruiter for two years and as coordinator/president for one year; she further has been a member of the Auburn Marching Band as a majorette for four years, including her senior year as Head Majorette; and

WHEREAS, Julie Owens is indeed an outstanding young lady whose many accomplishments and recognitions of leadership and achievement are indicative of a future bright with the promise of a successful career and prominent roles in community leadership in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Julie Moon Owens of Centreville, Alabama, and do further direct that she receive a copy of this resolution, executed in warmest personal regard and with sincere best wishes for every future success and happiness in life.

Approved May 9, 1991

Time: 4:10 P.M.

Act No. 91-101

H.J.R. 109 — Reps. Clark (W), Kennedy

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates Mrs. Minnie Turnbo of Whistler, Alabama, on her 110th birthday, May 10, 1991; and

WHEREAS, Mrs. Turnbo, the mother of twelve children, three of whom are deceased, is a native of Maplesville in Chilton County, Alabama, where she was born on May 10, 1881; and

WHEREAS, Mrs. Turnbo is a well-known and much loved member of the Whistler community who, despite her advanced years, remains active as a member of the Prichard Housing Authority Senior Choir; visits the sick on a daily basis; and is

active in many other endeavors, continuing to amaze everyone with her alertness, positive attitude, devotion to mankind and her ever-present warm and friendly smile; and

WHEREAS, Mrs. Turnbo, on birthday occasions, has received best wishes from the President of the United States, the City of Prichard and the State of Alabama, honoring her longevity and wishing her continuing good health, happiness and joy; and

WHEREAS, Mrs. Minnie Turnbo continues to attribute her long life to praising God on a daily basis, having a pleasant attitude and believing that everyone is equal; now therefore,

BE IT RESOLVED BY THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great pleasure, we join with family and friends of Mrs. Minnie Turnbo of Whistler, Alabama, in celebrating her 110th birthday, and do further direct that she and other family members receive a copy of this resolution executed in sincere admiration and esteem, and with all best wishes for many years to come.

Approved May 9, 1991

Time: 4:11 P.M.

Act No. 91-102

H.J.R. 143 — Reps. McClain, Curry,
Petelos

HOUSE JOINT RESOLUTION

COMMENDING DENNIS P. OWENS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

WHEREAS, it is with inordinate pride that the Legislature of Alabama recognizes the courage and sacrifice of Alabama's brave men and women whose participation in Operation Desert Storm contributed greatly to the swift conclusion and spectacular Allied victory in the Persian Gulf; and

WHEREAS, one such individual in whom we are justly proud is Dennis P. Owens, a Birmingham physician and staff doctor at Lloyd Noland Hospital, who is attached to the 109th Hospital Evacuation Unit; and

WHEREAS, Colonel Owens, with his unit, was deployed to the Persian Gulf on January 3, 1991, and returned April 20, 1991,

thereby serving 108 days in the Gulf's combat zone under constant threat to his life; and

WHEREAS, Dr. Dennis P. Owens is indeed deserving of our fervent praise as well as our deep and sincere gratitude, for his distinguished service in the Persian Gulf, for his unswerving commitment to freedom and world peace, and for his willingness and desire to stand ready to defend his country at all costs and self-sacrifice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dennis P. Owens of Birmingham, Alabama, and do further direct that he be presented with a copy of this resolution of highest honor and esteem.

Approved May 9, 1991

Time: 4:12 P.M.

Act No. 91-103

H.J.R. 144 — Reps. McClain, Curry,
Petelos

HOUSE JOINT RESOLUTION

COMMENDING WALTER WILLIAMS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

WHEREAS, it is with inordinate pride that the Legislature of Alabama recognizes the courage and sacrifice of Alabama's brave men and women whose participation in Operation Desert Storm contributed greatly to the swift conclusion and spectacular Allied victory in the Persian Gulf; and

WHEREAS, one such individual, in whom we are justly proud, is Walter Williams, a pharmacy technician at Lloyd Noland Hospital who is attached to the 109th Hospital Evacuation Unit; and

WHEREAS, Sergeant Williams, with his unit, was deployed to the Persian Gulf on January 3, 1991, and returned April 20, 1991, thereby serving 108 days in the Gulf's combat zone under constant threat to his life; and

WHEREAS, Walter Williams is indeed deserving of our fervent praise, as well as our deep and sincere gratitude for his distinguished service in the Persian Gulf, for his unswerving commitment

to freedom and world peace, and for his willingness and desire to stand ready to defend his country at all costs and self-sacrifice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Walter Williams of Birmingham, Alabama, and do further direct that he be presented with a copy of this resolution of highest honor and esteem.

Approved May 9, 1991

Time: 4:13 P.M.

Act No. 91-104

H.J.R. 145 — Reps. McClain, Curry

HOUSE JOINT RESOLUTION

COMMENDING WILLIE COLEMAN OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

WHEREAS, it is with inordinate pride that the Legislature of Alabama recognizes the courage and sacrifice of Alabama's brave men and women whose participation in Operation Desert Storm contributed greatly to the swift conclusion and spectacular Allied victory in the Persian Gulf; and

WHEREAS, one such individual, in whom we are justly proud, is Willie Coleman, a respiratory therapist at Lloyd Noland Hospital who is attached to the 251st Hospital Evacuation Unit; and

WHEREAS, Willie Coleman, with his unit, was deployed to the Persian Gulf early in January, and is scheduled to return on or about May 10, 1991, thereby serving more than 125 days in the Gulf's combat zone under constant threat to his life; and

WHEREAS, Willie Coleman is indeed deserving of our fervent praise, as well as our deep and sincere gratitude for his distinguished service in the Persian Gulf, for his unswerving commitment to freedom and world peace, and for his willingness and desire to stand ready to defend his country at all costs and self-sacrifice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Willie Coleman of Birmingham, Alabama, and do further direct that he be presented with a copy of this resolution of highest honor and esteem.

Approved May 9, 1991

Time: 4:15 P.M.

Act No. 91-105

H.J.R. 147 — Rep. Carter

HOUSE JOINT RESOLUTION

COMMENDING HELEN CARTER, ATHENS-LIMESTONE COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

WHEREAS, in recognition of outstanding community service, Helen Carter has been named Citizen of the Year by the Athens-Limestone Chamber of Commerce; and

WHEREAS, Ms. Carter, who has served as director of the Council on Aging for the past ten years, was cited by the Chamber for her tireless efforts on behalf of the elderly, both as director of the Council and through many volunteer activities with community organizations serving the needs of area senior citizens; and

WHEREAS, Citizen of the Year Helen Carter, who serves on the board of TARCOG, also is a member and/or board member of RSVP, CASA, Limestone Health Council, Limestone County Safety Committee, Interagency Council, Project Heat, Medical Board of Elkmont, ASSETS Committee (DHR), and Directors of Volunteer Services (DOVS); and

WHEREAS, in further service to the elderly, Ms. Carter is Limestone County's representative to the state on the plight of the homeless, and Meals on Wheels Task Force; and

WHEREAS, the Athens-Limestone County Chamber of Commerce, in selecting Helen Carter as their Citizen of the Year, has indeed bestowed honor upon a caring and compassionate citizen, whose many contributions to the well-being of the elderly speak eloquently of the depth of her commitment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the elderly and to the community, we hereby most highly commend Helen Carter of Elkmont, Alabama, for whom a copy of this resolution of sincere praise shall be provided.

Approved May 9, 1991

Time: 4:16 P.M.

Act No. 91-106

S.J.R. 55 — Senators Denton, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING TOM C. COBURN OF TUSCUMBIA FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND THE STATE OF ALABAMA.

WHEREAS, Tom C. Coburn of Tuscumbia served with distinction in the Alabama House of Representatives for sixteen years beginning in 1975, thereby rendering invaluable service to the Legislature and the State of Alabama for four consecutive terms; and

WHEREAS, during his tenure, he served as chairman of the Legislative Fiscal Office Committee, the Tax Structure Committee, Health Care for the Indigent Committee, Judicial Building Committee, Legislative Oversight Committee of ADECA, the Committee to Rewrite Employment and as co-chairman of the Joint Interim Committee to Study Finances and Budgets; and

WHEREAS, Representative Coburn, who was assigned to the House Ways and Means Committee as a freshman legislator, served as chairman of this important committee from 1983 to 1987 and, in this key position of leadership, was responsible for reviewing and analyzing proposed legislation dealing with revenues and expenditures of state funds; drafting proposed state budgets; negotiating with Senate leaders and the Governor and his staff on state financial issues; explaining budgets and financial matters to the House of Representatives; serving on the Joint Fiscal Committee that oversees the Legislative Fiscal Office; and supervising a committee staff; and

WHEREAS, Representative Coburn, during his long years of service in the House, also was a member of the Legislative Council

and the Building Commission, as well as the Contract Review, Budget, Business and Labor, Gas and Oil and the Super Computer Committees, and of most conference committees on the education and general fund budgets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Legislature and the State of Alabama, we hereby most highly commend our friend and former colleague, Representative Tom C. Coburn of Tuscumbia, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved May 14, 1991

Time: 4:30 P.M.

Act No. 91-107

S.J.R. 57 — Senator Dial

SENATE JOINT RESOLUTION

PROVIDING FOR THE PLACEMENT OF DIRECTIONAL SIGNS TO TALLADEGA NATIONAL FOREST AND TALLADEGA SCENIC BY-PASS AT THE HIGHWAY 9 AND HIGHWAY 46 EXITS OF I-20 IN CLEBURNE, COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the interest of furthering the development of the tourist industry in Alabama, and for the purpose of advising tourists as to the location of Alabama's most scenic points of interest, we hereby direct the State Highway Department to erect and maintain signs at the Highway 9 and Highway 46 exits on I-20 in Cleburne County, and we do further direct that said signs read as follows:

TALLADEGA NATIONAL FOREST

TALLADEGA SCENIC BY-PASS

EXIT NEXT RIGHT

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to State Highway Director Perry Hand in advisement of this directive of the Alabama Legislature.

Approved May 14, 1991

Time: 4:35 P.M.

Act No. 91-108

H.J.R. 7 — Rep. Rogers (J)

HOUSE JOINT RESOLUTION

PROVIDING FURTHER FOR EXPENSE ALLOWANCES
AND PER DIEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for three days during each week that the Legislature actually meets during any regular session, special session or organizational session. Each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for the performance of his or her duties as a member of any duly authorized interim legislative committee or subcommittee thereof. Such payment is conditioned upon actual attendance at scheduled interim committee meetings or authorized scheduled subcommittees thereof and approved by the chairman as provided by law.

BE IT FURTHER RESOLVED, That each member of the Legislature shall continue to receive the monthly expense allowance established by Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298), provided, however, that such monthly allowance shall be increased at the same percentage rate of 20%.

RESOLVED FURTHER, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of fifty dollars (\$50) per diem provided in this act. In addition to the expense allowances, the presiding officers shall be entitled to the reasonable expense allowance provided by Act No. 1196 of the 1971 Regular Session of the Legislature.

RESOLVED FURTHER, That the provisions of Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) are repealed only to the extent there is a conflict herewith.

BE IT FURTHER RESOLVED, That the compensation paid to members of the Legislature shall not be increased during their term of office after the passage of H.J.R. 7. Any future increase in compensation to members of the Legislature shall be set for the succeeding term of office.

Approved May 14, 1991

Time: 4:40 P.M.

Act No. 91-109

S.J.R. 59 — Senators Denton, Amari,
Bailey, Barron, Bedsole,
Bennett, Bolling,
Campbell, Corbett,
deGraffenried, Dial, Dixon,
Ellis, Figures, Floyd,
Foshee, Ghee, Hale,
Hilliard, Horn, Langford,
Lindsey, Lipscomb, Little,
Mitchell, Mitchem, Owens,
Parsons, Preuitt, Sanders,
B. Smith, J. Smith,
Waggoner, Wilson and
Windom

SENATE JOINT RESOLUTION

REQUESTING THE FINANCE DEPARTMENT TO REPLACE THE ELEVATORS LOCATED IN THE EAST WING OF THE ALABAMA STATE HOUSE.

WHEREAS, the State of Alabama has expended millions of dollars in the renovation of the former highway department building located on Union Street in Montgomery, Alabama; and

WHEREAS, this beautifully renovated facility is now known as the Alabama State House; and

WHEREAS, this facility has been equipped with the latest in construction techniques, equipment and conveniences; and

WHEREAS, the elevators located at the end of the east wing of the Alabama State House were outdated at the time of their installation; and

WHEREAS, these elevators fail to function frequently leaving government officials, staff and the general public stranded for extended periods of time; and

WHEREAS, these inefficient elevators are a menace to the operation of state government and to the health and welfare of those individuals who utilize the Alabama State House; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Finance Department of the State of Alabama take immediate steps to replace these elevators with the latest brand name equipment available to the State of Alabama; and

BE IT FURTHER RESOLVED, That the Alabama Building Commission shall oversee the replacement of these elevators and proceed with haste in the completion of this project.

Approved May 16, 1991

Time: 11:28 A.M.

Act No. 91-110

S. 60 — Senator Smith (J)

AN ACT

Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any other provision of law or any rule or regulation by the state or federal government or local government in Limestone County, and specifically Title 22, chapter 27 of the Code of Alabama 1975, as amended, relating to the regulation, operation or location of any privately-owned or controlled regional landfill for solid waste, the Limestone County Commission shall provide for a referendum on the question of the location, acceptance or operation of such privately-owned or controlled regional landfill for solid waste after the public hearing thereon. The referendum shall be held within 20 days but not less than 10 days after such public hearing. Such referendum shall be held pursuant to the general laws of the state calling for local elections except where there is a direct conflict herewith.

Section 2. If a majority of the qualified electorate voting on the proposed acceptance, operation or location of a privately-owned or controlled regional landfill for solid waste disposal approve such proposition, the Limestone County Commission shall assent thereto; if a majority of the qualified electorate voting thereon disapprove of such proposition, then in that event the Limestone County Commission shall not consent to nor contract for the proposed operation, acceptance and location in Limestone County. Such question shall not be placed before the qualified electorate more than once in any 24 successive-month period.

Section 3. The provisions of this act are cumulative to any laws or parts of laws or any rule or regulation by any state, federal or local government regulating or relating to solid waste management, disposal and location thereof and privately-owned or controlled regional landfills except to the extent there is a direct conflict herewith in which event this act shall supersede.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1991

Time: 11:30 A.M.

Act No. 91-111

S.J.R. 61 — Senators Parsons and Amari

SENATE JOINT RESOLUTION

COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.

WHEREAS, a native son in whom we are justly proud, is Henry Eugene (Red) Erwin of Leeds, Alabama, a veteran of World War II and recipient of the Medal of Honor, our nation's highest military award for valor in action against an enemy of the United States; and

WHEREAS, Red Erwin was serving with the United States Army Air Corps when, on April 12, 1945, his eleven-man crew was flying its 17th mission for a B-29 Super Fortress carrying 10 tons of explosives; and

WHEREAS, Sergeant Erwin was in the process of launching phosphorus bombs when one exploded in the launching chute and shot back into the aircraft, striking him in the face; and

WHEREAS, to save the aircraft and crew, he picked the bomb up and instinctively headed for the co-pilot's window; with the burning bomb clasped to his body, he cleared away obstacles with burning fingers, threw the bomb from the plane and collapsed upon the floor with his body in flames; and

WHEREAS, Sergeant Henry Eugene Erwin received the Medal of Honor on April 19, 1945, in his hospital room on a remote island

in the Pacific and on October 8, 1947, following 43 operations, was discharged from the military and returned home with his wife, Betty, to Jefferson County where they raised their family; and

WHEREAS, Henry Eugene Erwin is indeed an outstanding American patriot who, in receiving the Medal of Honor, distinguished himself greatly and brought honor also to his native state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby stand in tribute to the courage of Henry Eugene Erwin of Leeds, Alabama, and, in token of highest commendation, do further direct that he receive a copy of this resolution of gratitude and praise.

Approved May 16, 1991

Time: 11:32 A.M.

Act No. 91-112

S.J.R. 62 — Senators Parsons and Amari

SENATE JOINT RESOLUTION

COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

WHEREAS, in tribute to our state's distinguished veterans of World War I, the Alabama Legislature commends Shellie Phillips of Bessemer, Alabama, an exemplar of all those who served with honor in answer to their country's call; and

WHEREAS, Mr. Phillips, a native Georgian, was a resident of Tennessee in 1917 when his national guard unit was mobilized and deployed to Camp Wheeler in Macon, Georgia, with the 122nd Infantry; he later transferred to the 5th Signal Corps where he remained until the war was over and his discharge in 1920; and

WHEREAS, also stationed at Little Silver, New Jersey, Charlotte, North Carolina, and Camp Meade, Maryland, Private Phillips, while with the 5th Signal Corps, was involved in the training of pigeons to be used by our troops to send messages from the front lines to headquarters; reportedly, as a result of messages sent by these carrier pigeons, hundreds of lives were saved; and

WHEREAS, following the war, Mr. Phillips moved to Bessemer where he met and married his wife, Willie, a widow with five children, and in 1940, their daughter Patricia was born; and

WHEREAS, Shellie Phillips is one of the few World War I veterans in the Jefferson County area; and it is through him that we desire to honor all Alabama veterans of the First World War; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to his country, 1917-1920, and on behalf of his fellow veterans of World War I, we hereby most highly commend Shellie Phillips of Bessemer, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

Approved May 16, 1991

Time: 11:34 A.M.

Act No. 91-113

H.J.R. 99 — Rep. Layson

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE FOR THE PROMOTION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the Tennessee-Tombigbee Waterway. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the development and promotion of the Tennessee-Tombigbee Waterway.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$4,000.00, each year. The

committee shall terminate on the final day of the 1994 Regular Session.

Approved May 16, 1991

Time: 11:35 A.M.

Act No. 91-114

H.J.R. 107 — Reps. Laird, Haynes

HOUSE JOINT RESOLUTION

COMMENDING SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY, ALABAMA, ON RECOGNITION BY THE NATIONAL COUNCIL FOR MARKETING AND PUBLIC RELATIONS.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Southern Union State Junior College, Wadley, Alabama, as the recipient of the Paragon Award of Excellence by the National Council for Marketing and Public Relations; and

WHEREAS, the Paragon Awards recognize outstanding achievement in communications for community, junior and technical colleges and, this year, 300 colleges from throughout the nation submitted more than 1,360 entries; and

WHEREAS, from among these many hundreds of entries, Southern Union received first place for best video advertisement for the college's television commercial, "Talkin' Southern," and also received second place for best radio advertisement entitled, "Big Huge"; and

WHEREAS, Southern Union State Junior College, which was cited for setting "the national standard for television advertising within the two-year college system," is indeed a credit to Alabama and, through national recognition, has brought great honor to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Southern Union State Junior College, Wadley, Alabama, and do further provide that a copy of this resolution be provided for presentation to Southern Union president, Dr. Richard Fredericks.

Approved May 16, 1991

Time: 11:36 A.M.

Act No. 91-115

H.J.R. 108 — Reps. Laird, Haynes

HOUSE JOINT RESOLUTION

RECOGNIZING THE ACCOMPLISHMENTS OF THE TALLADEGA CLAY RANDOLPH COOSA CHILD CARE CORPORATION.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature commends the Talladega-Clay-Randolph Coosa (TCRC) Corporation on accreditation of its TCRC Child Care/Head Start program by the National Academy of Early Childhood Programs, a division of the National Association for the Education of Young Children; and

WHEREAS, TCRC/HS, in achieving said accreditation, is but the third accredited program and the only Child Development Head Start program in Alabama to meet the stringent criteria for endorsement by the National Academy; and

WHEREAS, although long recognized as exemplary by universities and federal and state agencies, TCRC/HS initiated the lengthy self-study and evaluation process for national accreditation to assure that those in their charge would be offered the best possible care, and that responsible stewardship of state and federal funds would be unmistakably clear; and

WHEREAS, now having reached that goal, following comprehensive professional review, the TCRC/HS program quality and competency of staff, more than 60% of whom hold professional degrees and/or Child Development Associate (CDA) credentials, have been verified and found to be in total compliance with the National Academy's exacting criteria for a high quality early childhood program; and

WHEREAS, the accredited TCRC/HS program is offered at the Roanoke, Talladega, Drew Court (Sylacauga), Childersburg and Lineville Child Development/Head Start Centers and their respective directors, who have become leaders in their field, are Clarence Hodges, Marsha Jones, Jane Ezekiel, Jewel Woodfin and Junie Kerley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and accreditation by the National Academy of Early Childhood Programs, we hereby most highly commend the TCRC Child Care/Head Start Program, and do further direct that copies of this resolution be provided to TCRC/HS

Executive Director Eleanor Brantley for presentation and display by the hereinabove named program centers.

Approved May 16, 1991

Time: 11:37 A.M.

Act No. 91-116

H.J.R. 116 — Rep. Curry

HOUSE JOINT RESOLUTION

COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

WHEREAS, in tribute to our state's distinguished veterans of World War I, the Alabama Legislature commends Shellie Phillips of Bessemer, Alabama, an exemplar of all those who served with honor in answer to their country's call; and

WHEREAS, Mr. Phillips, a native Georgian, was a resident of Tennessee in 1917 when his national guard unit was mobilized and deployed to Camp Wheeler in Macon, Georgia, with the 122nd Infantry; he later transferred to the 5th Signal Corps where he remained until the war was over and his discharge in 1920; and

WHEREAS, also stationed at Little Silver, New Jersey, Charlotte, North Carolina, and Camp Meade, Maryland, Private Phillips, while with the 5th Signal Corps, was involved in the training of pigeons to be used by our troops to send messages from the front lines to headquarters; reportedly, as a result of messages sent by these carrier pigeons, hundreds of lives were saved; and

WHEREAS, following the war, Mr. Phillips moved to Bessemer where he met and married his wife, Willie, a widow with five children, and in 1940, their daughter Patricia was born; and

WHEREAS, Shellie Phillips is one of the few World War I veterans in the Jefferson County area, and it is through him that we desire to honor all Alabama veterans of the First World War; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to his country, 1917-1920, and on behalf of

his fellow veterans of World War I, we hereby most highly commend Shellie Phillips of Bessemer, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

Approved May 16, 1991

Time: 11:38 A.M.

Act No. 91-117

H.J.R. 156 — Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING SARA DAVENPORT OF MONTGOMERY FOR OUTSTANDING SERVICE TO THE ALABAMA TEXTILE MANUFACTURERS ASSOCIATION.

WHEREAS, Sara Davenport, who is retiring June 15, 1991, has been a dedicated employee of the Alabama Textile Manufacturers Association (ATMA) since August 1, 1947; and

WHEREAS, during this 43-year tenure, Sara Davenport has seen the association grow from only a few cotton textile manufacturing companies to 60 corporations representing all phases of the industry, including fiber, textile, apparel and associated manufacturers of textile products; and

WHEREAS, Sara Davenport, throughout her employment, has been in charge of communications with members of the association, the media and other publics; she also has been the meeting planner of ATMA, working with numerous hotels and speakers, as well as the association leadership, and, during several periods of time, served as interim vice president of the association and thereby spokesperson for the entire state textile industry; and

WHEREAS, further, during the course of her career, Sara Davenport has developed relationships with public officials at all levels of government, media personnel throughout the state, and with textile employees everywhere; and

WHEREAS, Sara Davenport has indeed rendered invaluable service to ATMA and its membership and, upon retirement, will be greatly missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Sara Davenport of Montgomery, Alabama,

for outstanding service to the Alabama Textile Manufacturers Association, 1947-1991, and direct that she receive a copy of this resolution, executed in sincere praise and regard, and with warm best wishes for every future success and happiness in retirement.

Approved May 16, 1991

Time: 11:40 A.M.

Act No. 91-118

H.J.R. 157 — Reps. Buskey (JL),
Holmes

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HENRY WALTERS OF LEGRAND, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama records the lamentable death of Deacon Henry “Bo” Walters of LeGrand, Alabama, on January 27, 1991, at the age of 76 years; and

WHEREAS, born April 14, 1914, to the late Jessie and Callie Walters of LeGrand, Deacon Walters was a faithful member of Jerusalem Baptist Church where he was ordained a deacon in 1947 under the late Reverend L. C. White, Pastor; and

WHEREAS, Deacon Walters, a distinguished veteran of World War II, was a member of Provo Beauty Lodge No. 396 (Bro. Iris Bell, W.M.), Farmers Helping Hand No. 1, Sons and Daughters of Cornelius No. 1, and also of Jerusalem Christian Burial; and

WHEREAS, the death of Deacon Henry “Bo” Walters has indeed left an unfathomable void in the life of his church and community, and in the hearts of his loving family whose lives he touched with care and understanding; he was a kind and gentle man who is eulogized by his grandchildren as “a tower of strength” and a molding force in their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and Christian service of Deacon Henry “Bo” Walters of LeGrand, Alabama, and do further

extend heartfelt sympathy to his wife, Mrs. Dorothy L. Walters; daughters, Mrs. Juanita Floyd, Mrs. Joan Wright, Mrs. Minnie Morrison and Mrs. Lula Strickland; to his devoted granddaughter, Mashellda Moore, one of seventeen grandchildren; twenty-two great grandchildren; and to other family members, whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved May 16, 1991

Time: 11:41 A.M.

Act No. 91-119

H.J.R. 139 — Rep. Carter

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 9, 1991, they adjourn to meet again on Tuesday, May 14, 1991.

Approved May 16, 1991

Time: 11:41 A.M.

Act No. 91-120

S. 79 — Senators Smith (J), Bolling,
Ghee, Hale and Mitchell

AN ACT

To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the following words and phrases shall have the following meanings respectively ascribed to them, unless the context clearly indicates otherwise:

- (a) HIV shall mean human immunodeficiency virus;

(b) AIDS shall mean acquired immune deficiency syndrome; and

(c) HIV infection shall mean infection with human immunodeficiency virus as determined by antibody tests, culture or other means approved by the state board of health.

Section 2. (a) Before any HIV test is performed, the health care provider or testing facility shall obtain from the person a voluntary informed consent to administer the test.

(b) A general consent form should be signed for medical or surgical treatment which specifies the testing for HIV infection by any antibody tests or other means and may be considered as meeting the standard of informed consent in (a) of this section.

(c) When a written consent for HIV testing has not been obtained, consent shall be implied when an individual presents himself to a physician for diagnostic treatment or other medical services and the physician shall determine that a test for HIV infection is necessary for any of the following reasons:

(1) Said individual is, based upon reasonable medical judgment, at high risk for HIV infection;

(2) Said individual's medical care may be modified by the presence or absence of HIV infection;

(3) The HIV status of the said individual shall be necessary in order to protect health care personnel from HIV infection; or

(d) An individual tested shall be notified of a positive test result by the physician ordering the test, his designee, a physician designated by the applicant or by the department of public health. Such notification shall include:

(1) Face-to-face post-test counseling on the meaning of the test results, the possible need for additional testing, and the need to eliminate behavior which may spread the disease to others;

(2) Information as to the availability of appropriate health care services, including mental health care, and appropriate social and support services; and

(3) Explanation of the benefits of locating, testing and counseling any individual to whom the infected individual may have exposed the HIV virus and a full description of the services of public health with respect to locating and counseling all such individuals.

(e) A health care or other testing facility shall maintain confidentiality regarding medical test results with respect to the HIV infection or a specific sickness or medical condition derived from

such infection and shall disclose results only to those individuals designated by this act or otherwise as authorized by law.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1991

Time: 11:50 A.M.

Act No. 91-121

H. 466 — Rep. Dolbare

AN ACT

To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, are hereby amended to read as follows:

“§24-7-2.

“There is hereby created and established an Indian housing authority for the jurisdictions of Mobile and Washington counties, to be styled the Mowa Choctaw housing authority, whose purpose shall be the provision of safe and decent dwelling places for low-income persons and families in Indian areas.

“The Mowa Choctaw housing authority shall consist of seven members, and shall be appointed by the Mowa Choctaw Tribal Council. No person shall be barred from serving as a member of the authority because he is a tenant or home buyer in a tribal housing project.

“Members of the Mowa Choctaw housing authority, herein after styled the authority, shall serve a term of five years from their appointment, and may serve an unlimited number of terms. In the event of a vacancy on the authority, the Mowa Choctaw Tribal Council shall appoint a successor to fill the unexpired term.

"The authority shall select from among its members a chairman, a vice-chairman, a secretary, and a treasurer. No member shall hold two offices upon the authority. The chairman shall preside at meetings of the authority. The vice-chairman shall preside in the absence of the chairman. In the absence of both the chairman and vice-chairman, the secretary shall preside.

"The Tribal Council may remove any member of the authority for neglect of duty, inefficiency, or misconduct in office, but only after a hearing before the authority, and only after such member has been given a written notice of the charges against him at least 10 days prior to the hearing. At such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses on his behalf.

"Four members shall constitute a quorum for the conduct of business of the authority. A member who is unable to attend a meeting in person may present, in writing, a dated and signed voting proxy to a designated representative, who shall attend the meeting and act in his place and stead.

"The normal domicile of the authority is Mobile and Washington counties. Meetings of the authority may be held at other locations within the state upon notification of the members by certified mail, at least 10 days prior to the meeting date."

"§24-7-3.

"The authority is hereby authorized:

"(1) To undertake research and studies and analyses of housing needs in Mobile and Washington counties, and means by which such needs may be met, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rental and sales prices, and employment, wages and other factors affecting the local housing needs and the meeting thereof, and make the results and analyses available to the public and the building, housing and supply industries;

"(2) To enter into contracts with cities, towns, counties, and other housing authorities in the state for the purpose of carrying out the provisions of this chapter;

"(3) To establish rentals and select tenants in low income rental housing projects under its jurisdiction;

"(4) To issue bonds, notes, and other evidence of indebtedness for the purpose of financing the construction of housing for low-income persons;

“(5) To obtain, rent, lease, or otherwise obtain from any county, city, or state, properties of such public bodies as are offered for use to the authority for the purpose of providing housing to low-income persons and families in Indian areas;

“(6) To enter into contracts and agreements with agents of the United States government for the purpose of purchasing land, acquiring, constructing, renovating, providing streets, utilities, and landscaping grounds for rental and other housing for low-income persons and families in designated Indian areas; and

“(7) All powers, rights, and functions specified for municipal housing authorities created pursuant to sections 24-1-20 through 24-1-45.

“All provisions of law applicable to housing authorities created pursuant to Title 24 for municipalities and the commissioner of such authorities shall be applicable to the Mowa Choctaw Housing Authority, unless a different meaning clearly appears from the context.

“The Tribal Chairman and the Tribal Council of the Mowa Band of Choctaw Indians is hereby authorized to exercise all appointing and other powers with respect to an Indian housing authority that are vested in the chief executive officer and governing body of a municipality pursuant to Title 24 with respect to municipal housing authorities.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1991

Time: 3:08 A.M.

Act No. 91-122

S. 110 — Senators Ghee, Mitchell,
Dixon, Dial, Hilliard,
Bolling and Lipscomb

AN ACT

To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-24-80, Code of Alabama 1975, is hereby amended to read as follows:

“§34-24-80.

“(a) Any college of medicine offering a course of study leading to the award of a degree of doctor of medicine which is located outside of the United States and the District of Columbia, except a college of medicine accredited by the Liaison Committee for Medical Education (LCME), which:

“(1) Has more than 25 percent of the student enrollment in its college of medicine comprised of students who are not native citizens of the country in which the college of medicine or college of osteopathy is located; or

“(2) Does not have an affiliation with a major teaching hospital of not less than 300 acute care teaching beds which is located in the same country in which the medical school is located, and where students at the college of medicine receive clinical training; or

“(3) Permits more than five percent of the required clinical training for the degree of doctor of medicine to be accomplished or completed in facilities which are located outside of the country in which the college of medicine is located; shall be evaluated and only be approved by the state board of medical examiners if that college of medicine demonstrates to the reasonable satisfaction of the board that the medical education which it provides, including basic science courses and clinical training programs, is in compliance with the standards for approval of foreign medical schools as promulgated in the rules and regulations of the board. The burden of demonstrating compliance is upon the medical college seeking approval.

“(b) The state board of medical examiners may, by regulation, establish other criteria relating to basic science education and clinical training which criteria may be used by the board to determine the need for evaluation of the college of medicine. A school of medicine which has or demonstrates any of the criteria established by the board shall be evaluated and only be approved by the board if that college of medicine demonstrates to the reasonable satisfaction of the board that the medical education which it provides is in compliance with the standards for approval of foreign medical schools as promulgated in the rules and regulations of the board. The state board of medical examiners is specifically authorized to reject or not accept a diploma from any college of medicine which is not approved by the board and shall deny any applicant holding

such diploma a certificate of qualification for licensure to practice medicine in Alabama. The board may take such actions as it may deem reasonable and prudent to investigate and/or verify the accuracy and authenticity of any facts, data or information submitted by or on behalf of a college of medicine to the board in connection with any survey or evaluation conducted by the board pursuant to the authority of this section.

“(c) If the state board of medical examiners determines that there exists an accrediting organization within the country in which a college of medicine is located, which accrediting organization establishes and enforces standards of medical education which the board determines to be substantially equivalent to the standards for approval of foreign medical schools as promulgated in the rules and regulations of the board, then in such event the board may rely upon the actions, decisions, or recommendations of such accrediting organization in making a determination to approve a college of medicine accredited by such accrediting organization.”

Section 2. Section 34-24-83, Code of Alabama 1975, is hereby amended to read as follows:

“§34-24-83.

“(a) After February 9, 1988, all applicants for a certificate of qualification, whether by reciprocity, by examination, or without examination under section 34-24-75, who hold a diploma from a college of medicine located outside of the United States or the District of Columbia, except a college of medicine accredited by the Liaison Committee on Medical Education (LCME), must present proof to the board that the college of medicine which issued their diploma has been approved by the board under the provisions of sections 34-24-79 through 34-24-84. Applicants holding a diploma from a college of medicine which was conferred prior to February 9, 1988, may be issued a certificate of qualification under the statutes and regulations applicable to applicants for a certificate of qualification which were in existence prior to February 9, 1988. The applicant shall have burden of establishing that the college of medicine or college of osteopathy has satisfied the requirements of the board. For the purposes of sections 34-24-79 through 34-24-84 the term ‘college of medicine’ shall also include and describe a college of osteopathy.

“(b) Notwithstanding any provision of law to the contrary, in connection with any certificate of qualification issued by the state board of medical examiners prior to February 9, 1988, to full-time employed physicians holding a diploma from a college of medicine located outside the United States, Canada, or the District of Columbia, and

teaching in the Medical College of Alabama, or any other medical college in Alabama, accredited by the Liaison Commission for Medical Education, or said board, said full-time employed physicians shall be issued a certificate of qualification to engage in the practice of medicine, within the confines of the medical center in which they are employed and its affiliated programs, upon proper application for renewal of certificate of qualification to the state board of medical examiners."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1991

Time: 4:20 P.M.

Act No. 91-123

H.J.R. 128 — Reps. Butler, Grayson,
Haney, Freeman,
Hall, Sanderford

HOUSE JOINT RESOLUTION

INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, Major Generals William S. Chen and John (Jack) S. Peppers, Commanding General of the U. S. Army Missile Command (MICOM) and Deputy Commander of the U. S. Army Strategic Defense Command (SDC), respectively, are the two senior Army Commanders at Redstone Arsenal whose organizations greatly impact upon the State of Alabama; and

WHEREAS, the contributions of MICOM and SDC to Alabama are anticipated to accelerate significantly in the future and several programs, including the proposed "Vision 2000" Army plan for consolidating several commands at Redstone Arsenal, the performance of MICOM systems in "Operation Desert Storm," and the implementation of the new SDC mission of Joint Theater Missile Defense (JMTD) are of consuming interest to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General William S. Chen and General John

(Jack) S. Peppers to appear before a joint session of the legislature on May 28, 1991, at a time to be later set, whereupon the members of the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear their remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, advise General Chen and General Peppers of this invitation and of our hopeful anticipation of their acceptance.

Approved June 23, 1991

Time: 11:00 A.M.

Act No. 91-124

H. 374 — Rep. Harper

AN ACT

To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, terms and phrases, when used in this act shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) **DEPARTMENT.** The department of revenue of the state of Alabama.

(b) **FISCAL YEAR.** An accounting period of twelve months beginning on the first day of the first month of the state fiscal year.

(c) **MEDICAID PROGRAM.** The medical assistance program as established in Title XIX of the Social Security Act and as administered in the State of Alabama by the Alabama medicaid agency pursuant to executive order and Title 560 of the Alabama

Administrative Code.

(d) **PHARMACEUTICAL PROVIDER.** A provider of drugs, medicines, chemicals and poisons which, pursuant to a valid prescription, are offered for sale, compounded or dispensed to citizens of Alabama. This term shall include all places whose title may imply the sale, offering for sale, compounding or dispensing, of drugs, medicines, chemicals or poisons.

(e) **PRESCRIPTION.** Any order for drugs, biologicals or insulin syringes, written or signed or transmitted by word of mouth, telephone, telegraph, closed circuit television, or other means of communication by a legally competent practitioner, licensed by law to prescribe and administer such drugs, biologicals or insulin syringes intended to be filled, compounded or dispensed by a pharmacist.

Section 2. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder, there is hereby levied and shall be collected as provided in this act a privilege tax on the business activities of every provider of pharmaceutical services to the citizens of Alabama, except for a pharmacy, or portion thereof, serving hospital inpatients or pharmacies owned or operated by the state of Alabama or an agency thereof. The privilege tax imposed by this act is in addition to all other taxes of any kind now imposed by law, and shall be at the rate of ten cents for each prescription filled or refilled for a citizen of Alabama with a retail price of \$3.00 or more.

Section 3. (a) The taxes imposed by this act shall be due and payable to the department on or before the twentieth day of the month next succeeding the month in which the tax accrues, and shall, when collected, be paid by the department into the state treasury. Payment by United States mail will be timely if mailed in accordance with Section 40-1-45, Code of Alabama 1975. When paid into the state treasury, all such taxes shall be deposited to the credit of the Alabama Health Care Trust Fund.

(b) The receipts from the tax levied in this act shall be solely available for appropriation by the Alabama legislature to the Alabama medicaid agency for use by said agency in accomplishing the purposes of this act. Provided, however, for the first fiscal year in which this act is effective, to defray its expenses, including salaries and costs of operation incident to the collection of this tax, there is hereby appropriated to the department and shall be deducted as a first charge thereon, an amount not to exceed one percent (1%) of the revenues collected pursuant to this act. Such amount of money as shall be appropriated for each succeeding fiscal

year by the legislature to the department with which to pay the salaries, the cost of operation and the management of the department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to this act. Provided, however, the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of the Code of Alabama 1975, and limited to the amount appropriated to defray the expenses of operating the department for each fiscal year, incident to the collection of this tax.

Section 4. (a) On or before the twentieth of each month, beginning with November 1991, every pharmaceutical provider subject to this act shall file with the department a statement under penalty of perjury on forms prescribed by the department, showing the total number of prescriptions filled or refilled at a retail price of \$3.00 or more by said provider for the previous month, the taxes due under this act and such other reasonable and necessary information as the department, after consultation with the Alabama medicaid agency and adoption of appropriate rules or regulations, may require for the proper enforcement of the provisions of this act. At the time of filing such monthly statement such provider shall pay to the department the amount of taxes shown to be due.

When the total tax for which any pharmaceutical provider liable under this act does not exceed \$10.00 for any month, a quarterly return and remittance in lieu of the monthly returns may be made on or before the twentieth day of the month next succeeding the end of the quarter for which the tax is due when specially authorized by the department and under such rules and regulations as may be prescribed.

(b) Any pharmaceutical provider that fails to pay the taxes levied by this act within the time required by this act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate prescribed by Section 40-1-44, Code of Alabama 1975, such penalty and interest to be assessed and collected as part of the taxes. Provided, however, the department, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent (10%) or a portion thereof. If payment is not received by the last day of the month, the department shall notify the Alabama medicaid agency which shall determine whether the pharmaceutical provider is a medicaid provider, and if so, shall withhold the payment, interest and penalty due from any reimbursement due said provider under the medicaid program. The taxes levied by this act shall constitute a debt due the state of Alabama and may be collected by civil action in addition to the methods provided in this act. The department is

empowered to assess, file tax liens and collect the taxes levied by this act, as prescribed in Title 40, Code of Alabama 1975.

(c) It shall be the duty of each pharmaceutical provider subject to this act to keep and preserve such suitable books and records as may be necessary to determine the amount of taxes for which it is liable under the provisions of this act. Said books and records shall be kept and preserved for a period of not less than three years, and all such books and records shall be open for examination during business hours by the department or its duly authorized agents.

(d) All information secured pursuant to this act by the department shall be confidential, as prescribed by Section 40-1-33, Code of Alabama 1975, except that the department may provide such information to the Alabama medicaid agency as necessary for the proper administration of the medicaid program, or for the department's proper administration of the tax levied by this act.

(e) The department shall from time to time, as it deems desirable, promulgate such reasonable rules and regulations as necessary to provide for the orderly and efficient administration of the tax levied by this act.

Section 5. (a) The Alabama medicaid agency shall use the revenues from the tax levied by this act in furtherance of the purposes of this act, provided that any such uses shall be limited to those for which federal financial participation under Title XIX of the Social Security Act is available.

(b) Any reimbursement due a pharmaceutical provider under the medicaid program shall be paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama medicaid agency within 30 days of the due date, interest on the amount due shall be charged. The interest shall be the legal amount currently charged by the state.

Section 6. No revenues resulting from the tax established by this act and applied to increases in covered services or reimbursement levels or other enhancements of the medicaid program adopted by the Alabama medicaid agency as a result of revenues made available under the tax levied by this act shall be subject to reduction or elimination while said tax is in effect.

Section 7. This act shall be of no effect if federal financial participation under Title XIX of the Social Security Act is not available to the Alabama medicaid program for the purposes of this act at the approved federal medical assistance percentage, established under Section 1905 of the Social Security Act, for the applicable fiscal year.

Section 8. This act shall be of no effect if any part thereof or any part of the act establishing the Alabama Health Care Trust Fund is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise in violation of federal laws or federal regulations applicable to the medicaid program.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 23, 1991

Time: 11.02 A.M.

Act No. 91-125

H. 375 — Rep. Harper

AN ACT

To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established the Alabama Health Care Trust Fund in the state treasury for the purpose of further providing for the operation of the medicaid program and the maintenance and expansion of medical services available thereunder. This fund shall consist of revenues received from certain taxes levied on providers of medical services.

Section 2. All monies deposited in said fund shall be available solely for appropriation by the legislature to the Alabama medicaid agency. Said monies shall be used and expended under the supervision of the commissioner of the Alabama medicaid agency in order to accomplish the purposes of this act and in accordance with the terms of the appropriations from which the monies are derived.

Section 3. Any unobligated balance in said fund shall not revert to the general fund at the end of any fiscal year but shall be automatically carried forward and available to be appropriated by the Alabama legislature in each succeeding fiscal year in said

fund. Such appropriations shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of the Code of Alabama 1975. The existence or availability of monies in this trust fund shall not reduce appropriations to the Alabama medicaid agency from the state general fund below the amount appropriated for fiscal year 1992.

Section 4. This act shall be of no effect if any part thereof is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise in violation of federal laws or federal regulations applicable to the medicaid program.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1991

Time: 11:04 A.M.

Act No. 91-126

H. 376 — Rep. Harper

AN ACT

To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, terms and phrases, when used in this act shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) BED. Any bed that is licensed by the state survey agency to provide nursing home care which is in a nursing facility that has a contract with the Alabama medicaid agency to provide services under Title XIX of the Social Security Act.

(b) **DEPARTMENT.** The department of revenue of the state of Alabama.

(c) **FISCAL YEAR.** An accounting period of twelve months beginning on the first day of the first month of the state fiscal year.

(d) **MEDICAID PROGRAM.** The medical assistance program as established in Title XIX of the Social Security Act and as administered in the State of Alabama by the Alabama medicaid agency pursuant to executive order and Title 560 of the Alabama Administrative Code.

(e) **NURSING FACILITY.** An institution which is licensed under the laws of the state of Alabama and which meets the requirements of Section 1919(a) of the Social Security Act.

For purposes of this act, a nursing facility shall not include any facility owned or operated by, or operating under an exclusive contract with, the state of Alabama or any agency thereof, or any facility which provides nursing care exclusively for residents under the age of 18 years.

Section 2. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder, there is hereby levied and shall be collected as provided in this act a privilege tax on the business activities of every nursing facility which has an agreement to participate in the Alabama medicaid program. The privilege tax imposed by this act is in addition to all other taxes of any kind now imposed by law, and shall be at the annual rate of nine hundred ninety-nine dollars and ninety-six cents (\$999.96) per year for each bed in that facility.

Section 3. (a) The taxes imposed by this act shall be due and payable in monthly installments to the department on or before the tenth day of the month next succeeding the month in which the tax accrues, and shall, when collected, be paid by the department into the state treasury. Payment by United States mail will be timely if mailed in accordance with Section 40-1-45, Code of Alabama 1975. When so paid into the state treasury, all such taxes shall be deposited to the credit of the Alabama Health Care Trust Fund.

(b) The receipts from the tax levied in this act shall be solely available for appropriation by the Alabama legislature to the Alabama medicaid agency for use by said agency in accomplishing the purposes of this act. Provided, however, for the first fiscal year in which this act is effective, to defray its expenses including

salaries and costs of operation incident to the collection of this tax, there is hereby appropriated to the department and shall be deducted as a first charge thereon, an amount not to exceed one percent (1%) of the revenues collected pursuant to this act. Such amount of money as shall be appropriated for each succeeding fiscal year by the legislature to the department with which to pay the salaries, the cost of operation and the management of the department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to said act. Provided, however, the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of the Code of Alabama 1975, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year, incident to the collection of this tax.

Section 4. (a) On or before the tenth of each month, beginning October 1991, each nursing facility subject to this act shall file with the department a statement under penalty of perjury on forms prescribed by said department, showing the total number of beds as of the last day of the previous month, the taxes due under this act, and such other reasonable and necessary information as the department, after consultation with the Alabama medicaid agency and adoption of appropriate rules and regulations, may require for the proper enforcement of the provisions of this act. At the time of filing such statement the nursing facility shall pay to the department the amount of taxes shown to be due.

(b) The annual tax levied by this act shall be prorated on a month by month basis for any beds added to or subtracted from the nursing facility during the fiscal year except that, for any nursing facility which adds licensed beds after July 1, 1991, and has a monthly total occupancy rate of less than eighty-five percent (85%) according to medicaid program methodology, the amount due for each such month shall be determined by prorating the annual tax due per bed on a daily basis and multiplying said amount times the total number of patient days furnished in such month by said facility. This exception shall cease as of the first month that the occupancy rate of the nursing facility equals or exceeds eighty-five percent (85%).

(c) Any nursing facility that fails to pay the taxes levied by this act within the time required by this act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate prescribed by Section 40-1-44, Code of Alabama 1975, such penalty and interest to be assessed and collected as part of the taxes. Provided, however, the department, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent (10%) or a portion thereof. If payment is not

received by the last day of the month, the department shall notify the Alabama medicaid agency, which shall withhold the payment, interest and penalty owed from any reimbursement due said nursing facility under the medicaid program. The taxes levied by this act shall constitute a debt due the state of Alabama and may be collected by civil action in addition to the methods provided in this act. The department is empowered to assess, file tax liens and collect the taxes levied by this act, as prescribed in Title 40, Code of Alabama 1975.

(d) It shall be the duty of each nursing facility subject to this act to keep and preserve such suitable books and records as may be necessary to determine the amount of taxes for which it is liable under the provisions of this act. Said books and records shall be kept and preserved for a period of not less than three years, and all such books and records shall be open for examination during business hours by the department or its duly authorized agents.

(e) All information secured pursuant to this act by the department shall be confidential, as prescribed by Section 40-1-33, Code of Alabama 1975, except that the department may provide such information to the Alabama medicaid agency as necessary for the proper administration of the medicaid program, or for the department's proper administration of the tax levied by this act.

(f) The department shall from time to time, as it deems desirable, and after consultation with the Alabama medicaid agency, promulgate such reasonable rules and regulations as necessary to provide for the orderly and efficient administration of the tax levied by this act.

Section 5. (a) The Alabama medicaid agency shall use the revenues from the tax levied by this act in furtherance of the purposes of this act, provided that any such uses shall be limited to those for which federal financial participation under Title XIX of the Social Security Act is available.

(b) In addition to other purposes consistent with this act, revenues from the tax levied by said act shall be used by the Alabama medicaid agency to establish a more effective methodology for reimbursement of a nursing facility's reasonable costs of providing care to medicaid recipients. The Alabama medicaid agency shall promulgate such rules and regulations as are necessary to establish a reasonable reimbursement methodology consistent with the purposes of this act. Any reimbursement due a nursing facility under said methodology shall be paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama medicaid agency within 30 days of the due date established by said methodology, interest on

the amount due shall be charged. The interest rate shall be the legal amount currently charged by the state.

(c) From revenues created by this tax and deposited to the Alabama health care trust fund, the Alabama medicaid agency shall maintain a reserve in an amount not exceeding one million dollars. The Alabama medicaid agency, at the close of the fiscal years ending in 1992 and 1993 shall compare the amount of reimbursement paid under the methodology adopted pursuant to this section to the total of taxes paid pursuant to this section and the amount of reimbursement which would have been payable under the methodology in effect immediately prior to the adoption of said new methodology. If the latter amount exceeds the former amount, the Alabama medicaid agency, no later than October 31 of each year, shall pay the difference to the nursing facility. For each subsequent year, any payment due to a facility from the reserve shall be determined by comparing the facility's actual reimbursement under the rate in effect for such year to potential reimbursement under the rate, adjusted for inflation pursuant to medicaid program rules, which was established for 1993 under the former methodology plus the tax amount paid by the facility for the year. Any payment due shall be paid as provided above. Said payments by the Alabama medicaid agency shall not exceed one million dollars per year. If the total amount payable under this subsection exceeds said amount, the payments due shall be prorated equally among all nursing facilities entitled to such payments.

Section 6. No revenues resulting from the tax established by this act and applied to increases in covered services or reimbursement levels or other enhancements of the medicaid program shall be subject to reduction or elimination while said tax is in effect.

Section 7. This act shall be of no effect if federal financial participation under Title XIX of the Social Security Act is not available to the Alabama medicaid program for the purposes of this act at the approved federal medical assistance percentage, established under Section 1905 of the Social Security Act, for the applicable fiscal year.

Section 8. This act shall be of no effect if any part thereof or any part of the act establishing the Alabama Health Care Trust Fund is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise in violation of federal laws or federal regulations applicable to the medicaid program.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1991

Time: 11:10 A.M.

Act No. 91-127

H. 377 — Rep. Harper

AN ACT

To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, terms and phrases, when used in this act shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) **COST REPORT.** The most recent as-filed Alabama medicaid uniform cost report for hospitals for the reporting period ending in the calendar year next preceding the current tax year.

(b) **DEPARTMENT.** The department of revenue of the state of Alabama.

(c) **DISPROPORTIONATE SHARE HOSPITAL.** A hospital meeting the requirements of Section 1923 of the Social Security Act and other criteria as adopted by the Alabama medicaid agency in its State Plan for Medical Assistance Under Title XIX of the Social Security Act.

(d) **FISCAL YEAR.** An accounting period of twelve months beginning on the first day of the first month of the state fiscal year.

(e) **GROSS INPATIENT REVENUES.** Amounts charged by a hospital to inpatients for medically necessary services and products furnished in the hospital facility.

(f) **HOSPITAL.** A facility, other than a state-owned teaching hospital, that is licensed as a general or pediatric hospital under the laws of the state of Alabama, which provides 24-hour nursing services and is primarily engaged in providing, by or under the supervision of doctors of medicine or osteopathy, inpatient services for the diagnosis, treatment, and care or rehabilitation of persons who are sick, injured or disabled.

(g) **MEDICAID OCCUPANCY.** The total number of medicaid inpatient days, including nursery days, in a cost reporting period, divided by the total number of the hospitals' inpatient days, including nursery days, in that same period. Days for services provided under the maternity waiver program, HMO medicaid days and other states' medicaid days, shall be separately accumulated from days associated with services provided under the medicaid program. These days should be included in the overall medicaid occupancy percentage for purposes of disproportionate calculation.

(h) **MEDICAID PROGRAM.** The medical assistance program as established in Title XIX of the Social Security Act and as administered in the State of Alabama by the Alabama medicaid agency pursuant to executive order and Title 560 of the Alabama Administrative Code.

Section 2. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder, there is hereby levied and shall be collected as provided in this act a privilege tax on the business activities upon every disproportionate share hospital in the state. The privilege tax imposed by this act is in addition to all other taxes of any kind now imposed by law, and shall be assessed against the annual gross inpatient revenues, based on the cost report, of each disproportionate share hospital, at a rate of sixty-five percent (65%) of its medicaid occupancy.

Section 3. (a) The taxes imposed by this act shall be assessed annually prior to the beginning of the fiscal year and shall be due and payable monthly in one-twelfth increments to the department and shall, when collected, be paid by the department into the state treasury. When paid into the state treasury, all such taxes shall be deposited to the credit of the Alabama health care trust fund.

(b) The receipts from the tax levied in this act shall be solely available for appropriation by the Alabama legislature to the Alabama medicaid agency for use by said agency in accomplishing the purposes of this act. Provided, however, for the first fiscal year in which this act is effective, to defray its expenses including

salaries and costs of operation incident to the collection of this tax, there is hereby appropriated to the department and shall be deducted as a first charge thereon, an amount not to exceed one percent (1%) of the revenues collected pursuant to this act. Such amount of money as shall be appropriated for each succeeding fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and the management of the department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to this act. Provided, however, the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of the Code of Alabama 1975, and limited to the amount appropriated to defray the expenses, incident to the collection of this tax, incurred by the department for each fiscal year.

Section 4. (a) Each disproportionate share hospital shall, not later than July 1 of each year, file with the department a statement under penalty of perjury on forms prescribed by the department, showing the medicaid occupancy and gross inpatient revenues as reflected on its cost report, the taxes due under this act, and such other reasonable and necessary information as the department, after consultation with the Alabama medicaid agency and adoption of appropriate rules or regulations, may require for the proper enforcement of the provisions of this act.

(b) On or before the 10th day of each month, beginning with October 1991, each disproportionate share hospital shall pay to the department the monthly installment payment due. Any hospital that fails to pay the taxes levied by this act within the time required by this act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate prescribed by Section 40-1-44, Code of Alabama 1975, such penalty and interest to be assessed and collected as part of the taxes. Provided, however, the department, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent (10%) or a portion thereof. Payment by United States mail will be timely if mailed in accordance with Section 40-1-45, Code of Alabama 1975. If payment is not received by the last day of the month, the department shall notify the Alabama medicaid agency, which shall withhold the payment, interest and penalty due from any reimbursement due said hospital under the medicaid program. The taxes levied by this act shall constitute a debt due the state of Alabama and may be collected by civil action in addition to the methods provided in this act. The department is empowered to assess, file tax liens and collect the taxes levied by this act, as prescribed in Title 40, Code of Alabama 1975.

(c) It shall be the duty of each disproportionate share hospital to keep and preserve such suitable books and records as may be

necessary to determine the amount of taxes for which it is liable under the provisions of this act. Said books and records shall be kept and preserved for a period of not less than three years, and all such books and records shall be open for examination during business hours by the department or its duly authorized agents.

(d) All information secured pursuant to this act by the department shall be confidential, as prescribed by Section 40-1-33, Code of Alabama 1975, except that the department may provide such information to the Alabama medicaid agency as necessary for the proper administration of the medicaid program, or for the department's proper administration of the tax levied by this act.

(e) The department shall from time to time, as it deems desirable, promulgate such reasonable rules and regulations as necessary to provide for the orderly and efficient administration of the tax levied by this act.

Section 5. (a) The Alabama medicaid agency shall use the revenues from the tax levied by this act in furtherance of the purposes of this act, provided that any such uses shall be limited to those for which federal financial participation under Title XIX of the Social Security Act is available.

(b) In addition to other uses consistent with this act, the Alabama medicaid agency shall promulgate such rules and regulations as are necessary to establish a reasonable hospital reimbursement methodology for disproportionate share hospitals consistent with the purposes of this act. Any disproportionate share payment due a hospital shall be paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama medicaid agency within 30 days of the due date established by said methodology, interest on the amount due shall be charged. The interest rate shall be the legal amount currently charged by the state.

(c) From revenues deposited to the Alabama health care trust fund, the Alabama medicaid agency shall maintain a reserve of state monies in sufficient amount to assure that each hospital subject to this act receives a disproportionate share payment in an amount not less than the taxes paid each fiscal year by the hospital under this act. At the close of the state fiscal year, the Alabama medicaid agency shall determine the amount of reimbursement paid under the methodology adopted pursuant to this section and the amount of taxes paid pursuant to section 2. If the taxes paid by any hospital are determined to exceed said reimbursement, the Alabama medicaid agency shall pay to the hospital from the reserve an amount sufficient to bring the disproportionate share

payment up to the tax amount. Said payment shall be made no later than October 31 of each year.

Section 6. No revenues resulting from the tax established by this act and applied to increases in covered services or reimbursement levels or other enhancements of the medicaid program shall be subject to reduction or elimination while said tax is in effect.

Section 7. This act shall be of no effect if federal financial participation under Title XIX of the Social Security Act is not available to the Alabama medicaid program for the purposes of this act at the approved federal medical assistance percentage, established under Section 1905 of the Social Security Act, for the applicable fiscal year.

Section 8. This act shall be of no effect if any part thereof or of any part of the act establishing the Alabama health care trust fund is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise in violation of federal laws or federal regulations applicable to the medicaid program.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1991

Time: 11:15 A.M.

Act No. 91-128

H.J.R. 121 — Rep. Bowling

HOUSE JOINT RESOLUTION

RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, the Alabama Junior College Athletic Hall of Fame was established in 1989 to recognize outstanding contributions to athletics in Alabama; and

WHEREAS, the Class of 1991 has been duly elected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and recognize the Alabama Junior College Athletic Hall of Fame Class of 1991.

BE IT FURTHER RESOLVED, That each of the following 1991 Alabama Junior College Athletic Hall of Fame inductees shall receive a copy of this resolution: James William Armstrong, Jefferson State Community College; Maxie Gene Boles, Central Alabama Community College; Willie Dee Edison, Southern Union State Junior College; John Gary Oppert, Wallace State Community College, Dothan; Randy Duane Putman, Jefferson State Community College; and Jerome Walton, Enterprise State Junior College.

Approved May 28, 1991

Time: 4:20 P.M.

Act No. 91-129

H. 145 — Rep. Zoghby

AN ACT

Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Idle funds are defined as collected income and principal cash balances received by a fiduciary and held awaiting investment in or distribution from a fiduciary account. As used in this act, the term "fiduciary account" shall mean any account for which the bank or trust company has investment responsibility.

(b) A bank or trust company duly authorized to exercise fiduciary powers through the operation of a trust department shall invest idle funds in each fiduciary account in accordance with the specific terms of the governing document.

(c) In the absence of specific instructions in the governing document, the fiduciary shall invest idle funds in each fiduciary account in a short-term investment vehicle, which may include a deposit in an interest-bearing account, a money market mutual fund, or any other generally accepted investment vehicle for the investment of idle funds. Such deposit in an interest-bearing

account may be in the fiduciary's own commercial bank or any affiliate thereof. Such investment in a money market mutual fund or any other generally accepted investment vehicle may include: (1) a mutual fund or investment vehicle provided by a third party vendor, even if the bank or trust company or any affiliate thereof receives separate compensation from the vendor, or (2) a mutual fund or investment vehicle provided by the bank or trust company or any affiliate thereof for which the bank or trust company or any affiliate thereof may receive compensation as the mutual fund or investment vehicle's investment advisor, administrator, trustee, transfer agent, or other similar capacity.

(d) In the absence of specific instructions in the governing document, the fiduciary shall select an investment vehicle for idle funds in each fiduciary account which should provide a reasonable rate of return, taking into consideration the income needs of the current income beneficiary, the quality of the investment, the liquidity needs of the fiduciary account and the expense of making the funds productive of income.

(e) In the absence of specific instructions in the governing document, the fiduciary shall invest idle funds in each fiduciary account in a timely manner consistent with the technology employed by the fiduciary but not to exceed ten (10) business days after the receipt of collected funds; provided, however, that there shall be no obligation or requirement to invest idle funds in an amount less than \$1,000.00 per each fiduciary account.

(f) In the absence of specific instructions in the governing document, the fiduciary may receive compensation for the investment of idle funds by netting said compensation from the yield of the investment; provided, however, that disclosure of the compensation (expressed as a percentage of asset value or otherwise) is made to the current income beneficiary by mailing separate notice (by prospectus, statement, letter or otherwise) to the current income beneficiary's last known address.

(g) The provisions of this act shall apply to all fiduciary accounts now existing or hereafter created, but only to the bank or trust company's actions or inactions occurring after the effective date hereof.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 28, 1991

Time: 4:22 P.M.

Act No. 91-130

H.J.R. 103 — McMillan, Penry

HOUSE JOINT RESOLUTION

DESIGNATING THE LEON MCREYNOLDS LAKE, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature notes that there is a lake in Baldwin County which bears the name of a slang corruption of a racial slur and is an embarrassment to the citizens of Baldwin County; and

WHEREAS, the citizens wish to change the name of that certain lake which is located near the Blakeley Community Landing, south of Bay Minette, in Baldwin County, in order to honor one of its beloved citizens, Mr. Leon McReynolds; and

WHEREAS, Mr. McReynolds during his eighty plus years, fished almost every day except Sunday in that five-mile long lake and was the envy of all bream fishermen; and

WHEREAS, Leon McReynolds was a native of McWilliams, Alabama, and was one of fourteen children of the late John Henry and Ada McReynolds and was one of fourteen children; and

WHEREAS, from 1917, Leon McReynolds made his home in Bay Minette where he worked for several years before establishing his own business, "Leon's Cafe," which quickly became a favorite eating and social place for many in the community; and

WHEREAS, he was widely known for his kindness, to so many, his love of family; and his legendary acumen of fishing at that one particular lake; and

WHEREAS, Leon McReynolds was the friend of many and the enemy of none and was exemplary in his industriousness and generosity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a certain lake which bears the name of a slang corruption of a racial slur located near the Blakeley Community Landing in Baldwin County,

Alabama, shall be known as and is hereby designated the "Leon McReynolds Lake" in honor of Mr. Leon McReynolds.

RESOLVED FURTHER, That the Highway Department together with the division of Tourism and Travel shall have included on any map, which includes Baldwin County, the "Leon McReynolds Lake," so that all may know of this fine gentleman and the high honor the Alabama Legislature has bestowed on him.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to his widow, Mrs. Lucinda Carroll McReynolds so that she and her family may know of our high esteem of Mr. Leon McReynolds along with our warmest personal regard.

Approved May 28, 1991

Time: 4:23 P.M.

Act No. 91-131

S. 293 — Senators Figures, Bedsole,
Windom and Lipscomb

AN ACT

Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.), is hereby amended to read as follows:

"Section 1. That the Probate Courts in all counties of this State which now have or may hereafter have a population of over 300,000 and less than 500,000, according to the last or any subsequent Federal census, shall have general and equity jurisdiction concurrent with that of the Circuit Courts of this State, in the administration of the estates of deceased persons, minors, the developmentally disabled, insane, incapacitated, protected or incompetent persons, or the like, and testamentary trust estates. The jurisdiction granted by this act shall be conferred without the necessity of the same being invoked in any estate proceeding and may be exercised at the discretion of the Court.

“Section 2. (a) That the Judges of such Probate Courts shall have the same powers and authority which Judges of the Circuit Courts of this State have in connection with the administration of such estates in the Circuit Courts, including, but not limited to, the authority to (i) grant private sales of property, (ii) determine title and/or ownership of assets, real, personal or mixed, (iii) authorize, order and direct paternity testing where there is a question concerning a parent/child relationship, and (iv) determine heirship.

“(b) That the Chief Clerks of such Probate Courts, appointed pursuant to statute, shall have the same powers and authority and may do all acts and things and perform all other duties ministerial and judicial, where there is no contest, that the Probate Judges may do and perform under this act.

“Section 3. That all laws of pleading and practice, and evidence, and rules of court, including the Alabama Rules of Civil Procedure, and all laws relating to testamentary trusts and testamentary trustees, and all laws relating to the mode of obtaining evidence by oral examination or by depositions, and of compelling the attendance of witnesses, and of enforcing orders, decrees and judgments, including money judgments, now applicable in the Circuit Courts shall apply to the administration of such estates in said Probate Courts, in so far as the same can be made appropriate.

“Section 4. That in the administration of said estates, such Probate Courts may proceed according to the rules and practice of the Circuit Courts of this state, without regard to the statutory requirements provided for the administration of such estates in the Probate Courts of this State, but nothing herein is intended to prohibit such Probate Courts from proceeding in accordance with the statutes relating to the administration of such estates in the Probate Courts of this State generally.

“Section 5. That appeals from the orders, judgments and decrees of such Probate Courts, relating to the administration of such estates, including decrees on partial settlements, lie to the Supreme Court within the time period prescribed in the Alabama Rules of Appellate Procedure from the entry of the order, judgment or decree. Such appeals shall be made in accordance with said appellate rules.

“Section 6. The Probate Judges of such Courts shall perform all the duties now required by law of the Judges of the Circuit Courts of this State, in reference to the administration of such estates and shall be entitled to assess and collect the costs of court, charges, fees and commissions as are authorized by law to be assessed and collected.

“Section 7. The jurisdiction conferred by this act on the Probate Courts, Probate Judges, and Chief Clerks of such counties is intended to be cumulative only, and it is not intended hereby to in any manner limit or restrict the jurisdiction of the Circuit Courts or the Probate Courts of such counties. Nothing herein shall be construed as prohibiting the removal of any such estates from the Probate Court in such counties to the Circuit Court as is provided by law.

“Section 8. It is the primary intention of this act to expedite and facilitate the administration of such estates in counties of over 300,000 and less than 500,000 population and should any part or parts of this act be declared unconstitutional it is not intended that it shall affect the remainder of the act.

“Section 9. The Probate Judges of such courts shall collect from the person or persons liable by law for the payment thereof, all costs of court, charges, fees and commissions chargeable for the services so performed under this act and pay the same into the treasury of his county, provided however that said Courts may require pre-payment of anticipated costs, or a reasonable deposit for same, in any such estate proceeding.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 28, 1991

Time: 4:24 P.M.

Act No. 91-132

S.J.R. 71 — Senators Bolling, Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.

WHEREAS, a source of deep and abiding sorrow to the Legislature, the citizens of Alabama and Mississippi, and the nation is the lamentable and untimely death of Roy Lee "Chucky" Mullins of Russellville, Alabama, on May 6, 1991, at the age of just 21 years; and

WHEREAS, a former football star at Russellville High School and defensive back at the University of Mississippi, Chucky Mullins was paralyzed from the neck down, following injuries suffered in the Ole Miss-Vanderbilt game on October 28, 1989; and

WHEREAS, following 114 days in intensive care, further long-term hospitalization, and rehabilitation therapy in Birmingham, Chucky Mullins had returned to the University of Mississippi when complications from his injuries led to his death, thereby ending his resolve to complete his education and to pursue a career in coaching; and

WHEREAS, Chucky Mullins was indeed an outstanding athlete and a young man of great strength, courage and determination who was an inspiration to all those whose lives he touched; and

WHEREAS, despite many personal adversities over the years, Chucky Mullins' outlook on life remained positive and his optimism, even in the face of affliction, was absorbed by those around him; and

WHEREAS, Roy Lee "Chucky" Mullins was a very special young man, and his death has left a deep void in the life of the community, and in the hearts of all those privileged to his friendship, love and sincere concern for their happiness and well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Roy Lee "Chucky" Mullins of Russellville, Alabama, and extend deepest sympathy to his loving guardians, Carver and Karen Phillips; to their children, Lamar and Keshia; and to his friends and classmates at Russellville High School and the University of Mississippi, whose sorrow we share and, for whom, copies of this resolution shall be provided.

Approved May 28, 1991

Time: 4:25 P.M.

Act No. 91-133

S.J.R. 75 — Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING KELLY D. CAIN OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Legislature of Alabama notes the numerous accomplishments of Kelly D. Cain of Somerville, Alabama, a May 1991 candidate for associate degrees in English, pre-law, secondary education and general education from John C. Calhoun State Community College; and

WHEREAS, Ms. Cain, a sophomore political science and counseling psychology major with a 3.78 grade point average, has been named Calhoun's Most Outstanding Junior College Student; other of her honors include Who's Who Among Students in American Junior Colleges, National Dean's List, the President's and Dean's Lists at Calhoun; and, most recently, the prestigious Phi Theta Kappa Academic All-American First Team for Community, Technical and Junior Colleges; and

WHEREAS, the recipient of the Betsy J. Cantrell Memorial Scholarship for Outstanding Leadership, Miss Cain is involved in Calhoun's Honors forum and Phi Theta Kappa; serves as head of the Warhawks; and is a volunteer Champion for the colleges "Kids For College" program; and

WHEREAS, Kelly Cain also is involved in many community and civic volunteer activities including, Big Brothers/Big Sisters, Voluntary Action Center, Decatur General Hospital, Special Olympics, American Red Cross and the Salvation Army; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Kelly D. Cain of Somerville, Alabama, for outstanding achievement and direct that she receive a copy of this resolution, in token of esteem, and with best wishes for every future success and achievement in life.

Approved May 28, 1991

Time: 4:26 P.M.

Act No. 91-134

S.J.R. 76 — Parsons and Amari

SENATE JOINT RESOLUTION

NAMING THE STATE PRISON AT BESSEMER, ALABAMA, THE "WILLIAM E. DONALDSON CORRECTIONAL FACILITY."

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the tragic death of William Earl Donaldson, who died on January 12, 1990, in the line of duty; and

WHEREAS, Mr. Donaldson was a correctional officer at the West Jefferson Correctional Facility for five years, during which time he served with honor and distinction; and

WHEREAS, Mr. Donaldson exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman, thereby gaining the admiration and respect of both his co-workers and those he supervised; and

WHEREAS, William Donaldson's career in the correctional system was dedicated to the performance of duty in a fair and equitable manner, insuring that the interests of the state were protected while, at the same time, attempting to rehabilitate and encourage the inmates he monitored; and

WHEREAS, Officer Donaldson's loyalty and dedication to the correctional system of this state should serve as an admirable example for his fellow officers and for all citizens; and

WHEREAS, this body believes, that in recognition of Officer Donaldson's ultimate sacrifice and as a symbol and honor for all the brave and valiant correctional officers of this state, the West Jefferson Correctional Facility should be renamed in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the outstanding contributions and service of William E. Donaldson to the Department of Corrections and State of Alabama, we do hereby name and designate the state prison at Bessemer, Alabama, the "William E. Donaldson Correctional Facility."

BE IT FURTHER RESOLVED, That the State Department of Corrections is authorized to erect and maintain appropriate signs and markers so designating said facility, and that copies of this

honorary designation be forwarded to the family of William E. Donaldson and to the Department of Corrections.

Approved May 28, 1991

Time: 4:27 P.M.

Act No. 91-135

S.J.R. 78 — Senators Mitchem,
Dial and Little

SENATE JOINT RESOLUTION

RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

WHEREAS, the Alabama Legislature, in recognizing the valor and sacrifice of Alabama's Desert Storm veterans, also recognizes the significant sacrifices of their families remaining at home, while their loved ones fought to regain and secure the precious gifts of freedom and hope seized by military might from the citizens and families of Kuwait; and

WHEREAS, in commendation of these families' selfless support of their loved ones in the Persian Gulf, it is the desire of the Legislature that public acknowledgment be made of their sacrifice and courage, and that such tribute be made in an appropriate manner of statewide significance; and

WHEREAS, many of Alabama's local governments, businesses, corporations and other organizations are cognizant as well of the emotional and financial deprivations suffered by these many families throughout our state, and it is anticipated that these groups also would wish to support and participate in an appropriate observance of recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the State of Alabama, June 21, 1991, is hereby designated as a special day of honor and occasion of tribute to the families of Alabama's Desert Shield/Desert Storm service personnel who have served and are serving in the Persian Gulf.

BE IT FURTHER RESOLVED, That all county commissions and city and town councils in Alabama are prevailed upon to pass similar resolutions in support of this endeavor; that all Alabamians are urged to fly the American Flag on this special day;

and that Alabama businesses, corporations and other organizations are encouraged to join in united support of said June 21, 1991, observance.

RESOLVED FURTHER, That this special day of tribute culminate with the Alabama Sports Festival IX "Take Pride in America Celebration" opening ceremonies on June 21, 1991, 7:00 p.m.-8:00 p.m., at the Birmingham-Jefferson County Civic Center.

Approved May 28, 1991

Time: 4:28 P.M.

Act No. 91-136

S.J.R. 79 — Senators Little, Dial,
Smith (J) and Corbett

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE JAMES A. AVARY OF
LANETT, ALABAMA.

WHEREAS, in abiding sorrow, the Legislature of Alabama records the lamentable and untimely death of James A. Avary, presiding judge of the 5th Judicial Circuit, on December 16, 1990, at the age of just 49 years; and

WHEREAS, Judge Avary, who grew up in Lanett, Chambers County, Alabama, received his bachelor's degree from Princeton University, and his law degree in 1967 from Emory University where he was executive director of the Emory University Law Review; and

WHEREAS, Judge Avary then joined the Atlanta law firm of Powell, Goldstein, Frazier, and Murphy, but returned home in 1970 to practice law, forming the law firm of Johnson and Avary; from 1976 until his death, he served as circuit judge in the 5th Judicial Circuit which covers Randolph, Macon and Chambers counties; and

WHEREAS, an astute legal scholar, Judge Avary was an outstandingly effective judge whose fair and just decisions, and his vast knowledge of law, earned him the highest regard and respect of his peers; as a dedicated public servant, he will be greatly missed, and his absence from among us has left a deep void in the legal community and in the hearts of his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That even as we

mourn, we give thanks for the life of Judge James A. Avary of Lanett, Alabama, and do further direct that a copy of this resolution be provided for his wife, Leewood Avary, his two daughters, and other family members that they may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

Approved May 28, 1991

Time: 4:29 P.M.

Act No. 91-137

S.J.R. 80 — Senators Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

WHEREAS, the July 1, 1991, retirement of Sara Frances Grogan Crumpton of Montgomery brings to a close a distinguished tenure of 24 years and one month in service to the State of Alabama and, since October 1972, as executive secretary for the State Licensing Board for General Contractors; and

WHEREAS, Mrs. Crumpton, upon completion of college in the late forties, worked with the State Highway Department's accounting division for approximately two years and was later reemployed, in the mid-fifties, in the same position where she remained for some three additional years; and

WHEREAS, she also worked for the Alabama House of Representatives during the 1959 legislative session and, in 1960, was appointed executive secretary to Montgomery City Police Commissioner L. B. Sullivan, during which employment period she was a volunteer worker with the George C. Wallace presidential gubernatorial campaigns; and

WHEREAS, Mrs. Crumpton, beginning in 1968, entered full-time employment with the Wallace for President Campaign and, also in that same year, became personal secretary to Governor Wallace, holding that position until October 1972 and her appointment as executive secretary to the State Licensing Board for General Contractors; and

WHEREAS, in addition to career responsibilities, however, Mrs. Crumpton was actively involved in numerous school, civic and other community affairs, including Parent-Teacher organizations, secretary to the Davis Elementary School PTO, Girl Scouts as a troop leader and citywide cookie chairman, American Heart Association fund-raising and local director for the Alabama Heart Association, and, for the past 15 years, has served the State Contractors' Licensing Agencies in such capacities as vice president, president of the national association, and as a member of the group's board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation of distinguished service to the State of Alabama for 24 years and in active community leadership; we hereby express highest praise of Sara Frances Grogan Crumpton of Montgomery, Alabama, for whom a copy of this resolution shall be provided.

Approved May 28, 1991

Time: 4:30 P.M.

Act No. 91-138

S.J.R. 81 — Senators Foshee, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

RENAMING THE "STATE OFFICE BUILDING" THE
"LURLEEN B. WALLACE OFFICE BUILDING."

WHEREAS, Lurleen B. Wallace served as First Lady of the State of Alabama during the period of 1963-1967 and rendered distinguished service as Governor of the State of Alabama during the period 1967-1968, succumbing in office to cancer; and

WHEREAS, Governor Lurleen B. Wallace was much beloved by the people of the State; and

WHEREAS, Governor Lurleen B. Wallace, during her tenure as First Lady and later as Governor, manifested her concern for the health and well-being of all citizens of the state; and

WHEREAS, the cause of Governor Lurleen B. Wallace's death continues today as a major public health concern in Alabama as in every other state; and

WHEREAS, the official state public health agency and the Alabama Department of Public Health will be the sole occupants of the office building now known as the "State Office Building" which is located at 501 Dexter Avenue, Montgomery, Alabama; and

WHEREAS, the said "State Office Building" is to be renovated in accordance with Act No. 90-602; and

WHEREAS, there exists a need to identify the renovated "State Office Building" by a name distinguishable from other office buildings in the capitol complex; and

WHEREAS, it is appropriate and proper that because of the nature of the public health work performed in the newly renovated building, the said building should honor the memory of Governor Lurleen B. Wallace by bearing her name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Governor Lurleen B. Wallace, the State of Alabama hereby names and designates the "State Office Building" as the "Lurleen B. Wallace Office Building."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to former Governor George C. Wallace and Family.

Approved May 28, 1991

Time: 4:31 P.M.

Act No. 91-139

S.J.R. 82 — Senators Mitchem
and Little

SENATE JOINT RESOLUTION

RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, the Alabama Junior College Athletic Hall of Fame was established in 1989 to recognize outstanding contributions to athletics in Alabama; and

WHEREAS, the Class of 1991 has been duly elected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and recognize the Alabama Junior College Athletic Hall of Fame Class of 1991.

BE IT FURTHER RESOLVED, That each of the following 1991 Alabama Junior College Athletic Hall of Fame inductees shall receive a copy of this resolution: James William Armstrong, Jefferson State Community College; Maxie Gene Boles, Central Alabama Community College; Willie Dee Edison, Southern Union State Junior College; John Gary Oppert, Wallace State Community College, Dothan; Randy Duane Putman, Jefferson State Community College; and Jerome Walton, Enterprise State Junior College.

Approved May 28, 1991

Time: 4:32 P.M.

Act No. 91-140

S.J.R. 84 — Senator Little

SENATE JOINT RESOLUTION

COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE RUSSELL CORPORATION.

WHEREAS, in noting with regret the resignation of Dwight Carlisle of Alexander City as President and Chief Executive

Officer since 1988 of the Russell Corporation, the Legislature of Alabama also notes with highest commendation his valued and ongoing contributions to the corporation since 1956 and its Board of Directors since 1975; and

WHEREAS, Mr. Carlisle has held a number of key managerial positions during his notable career, including Vice President and Executive Vice President, Manufacturing; and President and Chief Operating Officer of Russell Corporation from 1982 until 1988; and

WHEREAS, a native of Alexander City and graduate of Auburn University with a degree in Textile Manufacturing, Mr. Carlisle not only has rendered invaluable service to Russell Corporation, but has provided outstanding leadership to the textile industry and community as past president of the Alabama Textile Manufacturers Association and the Alabama Textile Education Association, and as a member of the Auburn University Alumni Engineering Council, Auburn Advisory Council for the School of Business, Auburn University Textile School Blue Ribbon Committee and the Alexander City Area Chamber of Commerce; and

WHEREAS, he further has served as Vice Chairman of National Knitwear Manufacturers Association and as a member of the boards of such organizations as First National Bank of Alexander City; Russell Hospital, Alexander City; American Textile Manufacturers Institute; Alabama Business Council; Economic Education Council; and Textile Hall; and

WHEREAS, Dwight Carlisle has indeed rendered invaluable service to the Russell Corporation, the textile industry and community, and he is to be most sincerely praised for the many accomplishments of his career and his impact to the good and well-being of the Alexander City area and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Dwight Carlisle of Alexander City, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved May 28, 1991

Time: 4:33 P.M.

Act No. 91-141

H.J.R. 180 — Rep. Carter

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 16, 1991, they adjourn to meet again on Tuesday, May 21, 1991.

Approved May 28, 1991

Time: 4:34 P.M.

Act No. 91-142

H.J.R. 181 — Reps. Turnham,
Anderson, Barnes,
Beasley, Biddle, Black
(L), Black (M), Blakeney,
Bowling, Box, Bryant,
Bugg, Burke, Buskey
(JE), Buskey (JL),
Butler, Cagle, Campbell,
Carns, Carothers,
Carter, Clark (J), Clark
(W), Clay, Cosby, Crow,
Cullins, Curry, Dolbare,
Drake, Escott-Russell,
Flowers, Ford, Freeman,
Fuller, Gaines, Gaston,
Goodwin, Grayson,
Gullatt, Hall, Hamilton,
Hammett, Haney,
Harper, Harvey,
Hawkins, Haynes,
Higginbotham, Hill,
Hogan, Holladay, Holley,
Holmes, Hooper,
Johnson, Kennedy,
Knight, Kvalheim, Laird,
Layson, Letson, Lindsey,
Mathis, McClain,
McDaniel, McDowell,
McKee, McMillan,

Melton, Mikell, Millican,
 Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne,
 Penry, Perdue, Petelos,
 Poole, Powell, Rich,
 Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey, Thomas,
 Turner, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

WHEREAS, the Alabama Legislature, in recognizing the valor and sacrifice of Alabama's Desert Storm veterans, also recognizes the significant sacrifices of their families remaining at home, while their loved ones fought to regain and secure the precious gifts of freedom and hope seized by military might from the citizens and families of Kuwait; and

WHEREAS, in commendation of these families' selfless support of their loved ones in the Persian Gulf, it is the desire of the Legislature that public acknowledgment be made of their sacrifice and courage, and that such tribute be made in an appropriate manner of statewide significance; and

WHEREAS, many of Alabama's local governments, businesses, corporations and other organizations are cognizant as well of the emotional and financial deprivations suffered by these many families throughout our state, and it is anticipated that these groups also would wish to support and participate in an appropriate observance of recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the State of Alabama, June 21, 1991, is hereby designated as a special day of honor and occasion of tribute to the families of Alabama's Desert Shield/Desert Storm service personnel who have served and are serving in the Persian Gulf.

BE IT FURTHER RESOLVED, That all county commissions and city and town councils in Alabama are prevailed upon to pass similar resolutions in support of this endeavor; that all Alabamians are urged to fly the American Flag on this special day; and that Alabama businesses, corporations and other organizations are encouraged to join in united support of said June 21, 1991, observance.

RESOLVED FURTHER, That this special day of tribute culminate with the Alabama Sports Festival IX "Take Pride in America Celebration" opening ceremonies on June 21, 1991, 7:00 p.m.-8:00 p.m., at the Birmingham-Jefferson County Civic Center.

Approved May 28, 1991

Time: 4:35 P.M.

Act No. 91-143

H.J.R. 182 — Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING SARA FRANCES GROGAN CRUMPTON
UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

WHEREAS, the July 1, 1991, retirement of Sara Frances Grogan Crumpton of Montgomery brings to a close a distinguished tenure of 24 years and one month in service to the State of Alabama and, since October 1972, as executive secretary for the State Licensing Board for General Contractors; and

WHEREAS, Mrs. Crumpton, upon completion of college in the late forties, worked with the State Highway Department's accounting division for approximately two years and was later reemployed, in the mid-fifties, in the same position where she remained for some three additional years; and

WHEREAS, she also worked for the Alabama House of Representatives during the 1959 legislative session and, in 1960, was appointed executive secretary to Montgomery City Police Commissioner L. B. Sullivan, during which employment period she was a volunteer worker with the George C. Wallace presidential gubernatorial campaigns; and

WHEREAS, Mrs. Crumpton, beginning in 1968, entered full-time employment with the Wallace for President Campaign and, also in that same year, became personal secretary to Governor Wallace, holding that position until October 1972 and her appointment as executive secretary to the State Licensing Board for General Contractors; and

WHEREAS, in addition to career responsibilities, however, Mrs. Crumpton was actively involved in numerous school, civic and other community affairs, including Parent-Teacher organizations, secretary to the Davis Elementary School PTO, Girl Scouts as a troop leader and citywide cookie chairman, American Heart Association fund-raising and local director for the Alabama Heart Association, and, for the past 15 years, has served the State Contractors' Licensing Agencies in such capacities as vice president, president of the national association, and as a member of the group's board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation of distinguished service to the State of Alabama for 24 years and in active community leadership; we hereby express highest praise of Sara Frances Grogan Crumpton of Montgomery, Alabama, for whom a copy of this resolution shall be provided.

Approved May 28, 1991

Time: 4:36 P.M.

Act No. 91-144

H.J.R. 184 — Reps. Carothers,
Beasley, Mathis

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF REVEREND WILLIE F. THOMPSON OF DOTHAN, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of Reverend Willie F. Thompson of Dothan, Alabama, on April 6, 1991; and

WHEREAS, a native of Hartford, Alabama, and the son of the late A. J. and Hattie Williams Thompson, Reverend Willie F. Thompson was preceded in death by three sisters and two brothers; and

WHEREAS, on December 19, 1947, he was united in Holy Matrimony with Gladys J. Griffin and to this union, four children were born; a son, William Julius Thompson preceded his father in death; and

WHEREAS, Reverend Thompson began his ministerial career under the jurisdiction of the late Bishop I. H. Bonner, Presiding Elder J. C. Jarrett and Reverend W. H. Smith; and

WHEREAS, Reverend Thompson received three pastoral appointments prior to his appointment as Presiding Elder of the Camden-Prattville District of the Alabama Conference Ninth Episcopal District in which capacity he served faithfully for eleven years; and

WHEREAS, in addition to a loving and devoted wife, Mrs. Gladys J. Thompson, Reverend Thompson is survived by three daughters, Catherine J. Robinson, Gloria A. Brooks and Melinda S. Culpepper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of Reverend Willie F. Thompson of Dothan, Alabama, and do further direct that a copy of this resolution be forwarded to his wife and children; to his six grandchildren; and to other family members and friends that they all may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

Approved May 28, 1991

Time: 4:37 P.M.

Act No. 91-145

H.J.R. 185 — Rep. Millican

HOUSE JOINT RESOLUTION

COMMENDING ROY BRANDON FRAZIER OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, Roy Brandon Frazier, a senior at Haleyville High School, has distinguished himself as an outstanding student athlete who is a recent recipient of a Bryant-Jordan Student-Athlete Achievement Award; and

WHEREAS, Brandon Frazier is an exceptional young man who has achieved success after success against overwhelming odds, having overcome seemingly insurmountable obstacles with self-reliance, a courageous spirit and positive action; and

WHEREAS, he is currently maintaining an academic average of 96.07 which he compiled while participating in varsity football and tennis at Haleyville High School; and

WHEREAS, Brandon has faced life's problems with determination and a challenging spirit and has strived to be "the best he can be"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic and athletic achievement, we hereby commend Roy Brandon Frazier of Haleyville, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to George A. Wideman, Principal of Haleyville High School.

Approved May 28, 1991

Time: 4:38 P.M.

Act No. 91-146

H.J.R. 186 — Reps. McMillan,
Penry

HOUSE JOINT RESOLUTION

COMMENDING GEORGE PERVY THAMES, BALDWIN COUNTY MAN OF THE YEAR FOR 1990.

WHEREAS, the Honorable George Pervy Thames grew up in Baldwin County, Alabama, and graduated from Robertsedale High School; and

WHEREAS, Mr. Thames has spent many years in service to other residents of Baldwin County and Alabama; and

WHEREAS, Mr. Thames has served in the capacities of Justice of the Peace, Inferior Court Judge and as Mayor of Robertsedale, Alabama; and

WHEREAS, Mr. Thames has been an active member of the Robertsedale United Methodist Church; and

WHEREAS, Mr. Thames has been an active member of the Baldwin County Cattlemen's Association, serving as president; the Alabama Cattlemen's Association, serving as honorary lifetime vice president; and is a past president of the Alabama Livestock Market Association; and

WHEREAS, Mr. Thames served as manager of the Baldwin County Cattle and Fair Association and assisted with 4-H, FHA, and FFA shows and sales in South Alabama; and

WHEREAS, Mr. Thames is past master of Robertsedale Masonic Lodge No. 821 and past patron of Thursa Chapter 237 of the Eastern Star; and

WHEREAS, Mr. Thames has always exhibited love and concern for his fellowman through his numerous acts of kindness and assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Mr. George Pervy Thames is hereby commended on his recognition as Man of the Year for 1990 by the Central Baldwin Chamber of Commerce, and it is herein directed that he receive a copy of this resolution of sincere praise and regard.

Approved May 28, 1991

Time: 4:39 P.M.

Act No. 91-147

H.J.R. 199 — McKee, Anderson,
 Barnes, Beasley, Biddle,
 Black (L), Black (M),
 Blakeney, Bowling, Box,
 Bryant, Bugg, Burke,
 Buskey (JE), Buskey
 (JL), Butler, Cagle,
 Campbell, Carns,
 Carothers, Carter, Clark
 (J), Clark (W), Clay,
 Cosby, Crow, Cullins,
 Curry, Dolbare, Drake,
 Escott-Russell, Flowers,
 Ford, Freeman, Fuller,
 Gaines, Gaston,
 Goodwin, Grayson,
 Gullatt, Hall, Hamilton,
 Hammett, Haney,
 Harper, Harvey,
 Hawkins, Haynes,
 Higginbotham, Hill,
 Hogan, Holladay,
 Holley, Holmes, Hooper,
 Johnson, Kennedy,
 Knight, Kvalheim,
 Laird, Layson, Letson,
 Lindsey, Mathis,
 McClain, McDaniel,
 McDowell, McMillan,
 Melton, Mikell, Millican,

Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne,
 Penry, Perdue, Petelos,
 Poole, Powell, Rich,
 Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey,
 Thomas, Turner,
 Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMEMORATION OF THE BICENTENNIAL OF THE BILL OF RIGHTS

WHEREAS, 1991 is the Bicentennial of the ratification of the Bill of Rights to the U.S. Constitution; and

WHEREAS, the tremendous changes which have taken place around the globe in recent years have stirred the hearts and souls of men and women everywhere yearning for freedom; and

WHEREAS, the world looks to us in America to light the torch of liberty and to lead by example in the path of true representative democracy; and

WHEREAS, people in so many countries have recently thrown off the yoke of tyranny and dictatorship, and now are seeking to understand how government of, by, and for the people can indeed ensure the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, we stand eternally grateful to our forefathers who fought and died that we might have these rights; that it is therefore fitting that we should regularly pause and ponder these rights and, to the extent that we are able, strive to fulfill the duties that accompany them; and

WHEREAS, we recognize that because of these first ten Amendments to the U.S. Constitution, the rights of individuals, however unpopular or in the minority, are and have been protected these 200 years; and

WHEREAS, the founders of this great nation laid down for all time in the Declaration of Independence that "all men are created

equal, and endowed by their Creator with certain unalienable rights" we know that the principles outlined in the Bill of Rights do not pertain only to Americans, but should be rights inherent to all mankind; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby proclaims 1991 to be the Bill of Rights Bicentennial in the State of Alabama and asks all citizens to join in commemoration of the Bill of Rights, and that the superintendents of public instruction shall direct all school principals to devote at least one hour to the rededication and reinforcement of the principles embodied in the Bill of Rights in all public schools in the State of Alabama during the month of November, 1991, which shall be declared Bill of Rights month in celebration of this Bicentennial.

Approved May 28, 1991

Time: 4:40 P.M.

Act No. 91-148

H.J.R. 162 — Rep. Starkey

HOUSE JOINT RESOLUTION

NAMING THE "W. C. HANDY MEMORIAL HIGHWAY."

WHEREAS, William Christopher "W. C." Handy was an extremely talented musician and composer whose influence is widespread throughout the full spectrum of popular music; and

WHEREAS, his seminal compositions have earned him the heroic title of "Father of the Blues"; and

WHEREAS, although he was born in Florence, Alabama, W. C. Handy composed his most important and influential works while living in Memphis, among these "Memphis Blues," "St. Louis Blues" and a host of other songs that incorporated jazz-styled instrumentation and ragtime and tango tempos with the 12-bar blues form; and

WHEREAS, while his truly remarkable career was firmly rooted in popular music, W. C. Handy popularized the blues style for white audiences long before the jazz era; and

WHEREAS, one of the first publishers of music by black composers, W. C. Handy was a vital force in popular music and contributed mightily to Memphis' long standing reputation as a Mecca for musicians and composers and as the "birthplace of the blues"; and

WHEREAS, the city of Florence, Alabama, which is the home of W. C. Handy's birthplace and a museum which pays homage to his life and extensive legacy of musical compositions, has initiated efforts to name U. S. Highway 72 from Memphis to Florence in honor of W. C. Handy; and

WHEREAS, the state legislature of Tennessee has adopted and the state legislature of Mississippi has introduced legislation which would make this dream a reality; and

WHEREAS, a similar effort by this legislature would pay tribute to this gifted and highly influential musician and composer and confer upon his work the lasting recognition which it so richly deserves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 72 in Alabama from Florence to the Mississippi state line, is hereby designated as the "W. C. Handy Memorial Highway" in honor of Mr. Handy's many contributions to popular music.

BE IT FURTHER RESOLVED, That the State Highway Department is authorized to erect and maintain appropriate signs and markers so designating said highway portion.

RESOLVED FURTHER, That copies of this resolution be transmitted to the Director of the Alabama Highway Department; to the clerks of the Senate and House of the state legislatures of Tennessee and Mississippi; and to the Mayor of and the Director of Museum Services for Florence, Alabama.

Approved May 28, 1991

Time: 4:41 P.M.

Act No. 91-149

H.J.R. 142 — Reps. Hamilton,
Richardson, Layson,
Mikell, Carter, Fuller,
Curry, Black (M),
Newton (D), Starkey,
Rich, Smith (R),
Turner

HOUSE JOINT RESOLUTION

URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMOTIVE INDUSTRY.

WHEREAS, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

WHEREAS, efforts have been made recently in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by the year 2001; and

WHEREAS, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact, subcompact and compact cars; and

WHEREAS, unrealistic standards would seriously reduce the availability of full-size and midsize vans and pickup trucks - the workhorse of many small businesses and farms; and

WHEREAS, it has been estimated that significantly higher CAFE standards would cost as many as 300,000 U. S. jobs in the next decade; and

WHEREAS, higher CAFE standards, which would reduce oil imports by only one to two percent by the year 2005, would do little to enhance U.S. energy security; and

WHEREAS, many national safety experts have expressed the opinion that a drastic increase in the standards would increase risk of fatalities and injuries because of smaller and lighter automobiles creating a vast difference in vehicle sizes operating on the roads and highways; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Congress to reject any effort to impose government-mandated unrealistic standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs.

BE IT FURTHER RESOLVED, That the Clerk of the House dispatch a copy of this resolution to each member of the Alabama Congressional Delegation.

Approved May 28, 1991

Time: 4:42 P.M.

BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 1:30 P. M. on May 28, 1991, for the purpose of hearing the message of the General William S. Chen and General John (Jack) S. Peppers pursuant to HJR 128, 1991 Regular Session.

Approved May 28, 1991

Time: 4:43 P.M.

Act No. 91-151

S.J.R. 74 — Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING LAWRENCE COUNTY AS THE "COUNTY OF CHAMPIONS."

WHEREAS, Lawrence County, designated as the "County of Champions" by the Lawrence County Chamber of Commerce, indeed epitomizes the proud tradition of winning through the state championship titles, honors and national recognitions received by their student athletes and other county citizens; and

WHEREAS, Lawrence County is the home of Hazlewood High School and Courtland High School, both of which have won, for the first time in the history of athletic competition in the State of Alabama, three consecutive State Football Championships; and

WHEREAS, Hatton High School's share of championships includes the 1990 Girls Volleyball State Title and the 1990 State Track Championship by Hatton's boys track team; and

WHEREAS, at Courtland High School, male and female student athletes also won the 1990 State Track Championships; and

WHEREAS, all-in-all, student athletes on teams representing Lawrence County high schools have won twenty-four State Championships in football, basketball, volleyball and track; and

WHEREAS, further, at all schools throughout the county, students have gained recognition through their academic, athletic and musical achievements; and

WHEREAS, the citizens, businesses and government agencies in Lawrence County, through hard work and united effort, have won national recognition for three consecutive years in the National Litterbuster Campaign, which now serves as a model program for the nation; and

WHEREAS, the citizens of Lawrence County, Alabama, are indeed to be praised for their many accomplishments and for their contributions to Lawrence County's fame as the "County of Champions"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That in consensus of endorsement of the honorary designation by the Lawrence County Chamber of Commerce, we hereby salute Lawrence County, Alabama, as the "County of Champions" and do further direct that a copy of this resolution be forwarded to the Chamber's Board of Directors.

Approved May 28, 1991

Time: 4:44 P.M.

Act No. 91-152

H. 159 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the board of examiners of landscape architects with the additional recommendations for statutory changes as set out in Section 3 hereof.

Section 2. The existence of the board of examiners of landscape architects, created and functioning pursuant to Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-17-5, 34-17-20, 34-17-21 and 34-17-25, Code of Alabama 1975, are hereby amended to read as follows:

"§34-17-5.

"(a) Each of the following facts shall constitute a ground for disciplinary action:

“(1) That the holder of a certificate of registration is practicing in violation of the provisions of this chapter or the rules and regulations of the board;

“(2) That the holder of a certificate has obtained the certificate by fraud or misrepresentation, or that the person named in the certificate has obtained it by fraud or misrepresentation;

“(3) That the holder of a certificate is impersonating a landscape architect or former landscape architect of the same or similar name, or is practicing under an assumed, fictitious or corporate name;

“(4) That the holder of a certificate has aided or abetted in the practice of landscape architecture any person not authorized to practice landscape architecture under the provisions of this chapter;

“(5) That, in the practice of landscape architecture, the holder of a certificate has been guilty of fraud or deceit;

“(6) That, in the practice of landscape architecture, the holder of a certificate has been guilty of negligence or willful misconduct;

“(7) That the holder of a certificate has been guilty of gross incompetence; or

“(8) That the holder of a certificate has affixed his signature to plans, drawings, specifications or other instruments of service which have not been prepared by him or under his immediate and responsible direction or has permitted his name to be used for the purpose of assisting any person, not a landscape architect, to evade the provisions of this chapter.

“(b) For violations of the preceding subsection, or for violations of the provisions of this chapter, or for violations of board rules and regulations, the board shall have the following disciplinary powers:

“(1) To reprimand a board licensee;

“(2) To levy an administrative fine against a licensee of the board not to exceed \$250.00 per violation;

“(3) To refuse to issue a certificate to an applicant of the board;

“(4) To suspend a licensee’s certificate for a definite period of time, or

“(5) To revoke the certificate of a licensee. The board shall by rule and regulation adopt a disciplinary code.”

“§34-17-20.

“(a) In order to safeguard public welfare, health and property and to promote public good, any person practicing or offering to

practice landscape architecture, privately or in public service, shall be required to submit evidence that he is qualified to practice and shall become registered as hereinafter provided. It shall be unlawful for any person to practice landscape architecture or to use the term or title 'landscape architect' unless duly licensed under the provisions of this chapter.

"(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1993, and after said date no licensee shall have his active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner."

"§34-17-21.

"(a) For licensing as a landscape architect, evidence must be submitted that the applicant:

"(1) Is at least 19 years of age; and

"(2) Has, before making application to the board, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. He shall also submit before admission to the examination evidence of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each complete year of study in such approved college or school of landscape architecture may be accepted in lieu of one year of such experience, and the applicant must submit evidence of sufficient additional acceptable experience to total six years of combined education and experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least eight years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board.

"(b) The board is authorized to issue a temporary certificate for a period of time not exceeding 6 months to any non-resident applicant who meets the requirements set out in subsection (a) above."

"§34-17-25.

"The fees prescribed by this chapter shall be in the following amounts:

"(1) The fee for application to the board is \$75.00.

“(2) The fee for examination or re-examination shall be in such amount as may be established by the board in order to cover all costs of examination, but in no event shall the fee exceed the actual cost of preparing and administering such exam.

“(3) The fee for an original certificate is \$50.00.

“(4) The fee for a temporary certificate is \$250.00.

“(5) The fee for a duplicate certificate is \$50.00.

“(6) The annual license fee is \$100.00 for residents of Alabama and \$150.00 for non-residents.

“(7) The penalty fee is \$50.00, as provided in section 34-17-24 of this chapter.”

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1991

Time: 3:00 P.M.

Act No. 91-153

H. 547 — Reps. McDowell, Sanderson

AN ACT

To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

In order to allow for the orderly and efficient collection of municipal business license taxes in Jefferson County with respect to corporations, firms, brokers, agents and others in the business of buying, selling, leasing or representing others in the purchase, sale or lease of real property in Jefferson County, the legislature may, by local law, provide for the imposition and collection of such taxes as follows:

a. Any city or town within Jefferson County may fix and collect licenses pursuant to Sections 11-51-90 and 11-51-91 of the Code of Alabama 1975, as amended, for any business, trade or profession relating to the buying, selling or renting of real estate on commission in Jefferson County if such licensee maintains its principal place of business in the corporate limits or police jurisdiction of that municipality.

b. Effective January 1, following the ratification of this amendment and each year thereafter, in addition to the taxes, if any, imposed under a. above, every corporation, firm, broker, agent or other person or entity engaged in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County shall pay an annual business license tax at a rate to be set by the legislature for the privilege of engaging in such business in every other city or town in Jefferson County. Such tax shall be collected by the Revenue Director of Jefferson County and shall be distributed by the Revenue Director of Jefferson County to each city or town within Jefferson County on a pro rata basis based on population. The Revenue Director of Jefferson County shall be entitled to an administrative fee for administering this tax at a rate to be set by the legislature; such fee to be added to the license tax collected hereunder.

c. Effective January 1, following the ratification of this amendment and each year thereafter, except for the licenses permitted or mandated under a. and b. above, no other privilege license tax shall be imposed under Sections 11-51-90 and 11-51-91 of the Code of Alabama 1975, by any city or town within Jefferson County on corporations, firms, brokers, agents or other persons or entities engaged in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Jefferson County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

CONSTITUTIONAL AMENDMENT

Passed the House May 9, 1991

Passed the Senate June 20, 1991

Act No. 91-154

H. 63 — Rep. White

AN ACT

Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed for Escambia County, Alabama, and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

A

The Escambia County commission shall distribute oil and gas revenues as provided in this amendment.

1. The Escambia County Oil and Gas Severance Trust, established by Act No. 84-576, H. 664 of the 1984 Regular Session (Acts 1984, p. 1198), its corpus and income shall be continued as provided by Sections 1 and 2 of that act.

2. The members of the Escambia County commission, or their successors in office, shall constitute the trustees of the trust. Provided, however, the members of the Escambia County commission, or their successors in office, may in their discretion, appoint one or more trustees or escrow agents for the trust which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company within or without the State of Alabama. The trustees shall invest the corpus of the trust only in direct general obligations of, or obligations the payment of the principal of and interest on which are conditionally and irrevocably

guaranteed by the United States of America. Provided, however, that, notwithstanding any legal limitation that might otherwise be applicable, the trustees shall further have the authority in their discretion to invest such trust fund in certificates of deposit of any savings and loan associations or banks whether federally or state chartered whose principal office is located in the state, provided that such funds so invested are fully secured by pledge of eligible United States treasury securities.

Section 3. Commencing with the 1984-1985 fiscal year, up to eighty percent (80%) of the net income from the investments authorized in Section A2 of this amendment shall be distributed quarterly, semiannually or annually, as designated by the trustees, to the general fund of the county.

Section 4. The provisions of A1, A2 and A3 of this amendment shall not terminate at the end of twenty years, unless a majority of the qualified electors of the county vote to terminate the provisions by a constitutional amendment duly proposed by the Alabama legislature.

B

Excluding the revenues and income from Section A1, A2 and A3 of this amendment, one-third (1/3) of all net funds when received pursuant to Sections 40-20-8(c)(3) and 40-20-8(c)(4), Code of Alabama 1975, as amended, by Escambia County from the severance tax levied, pursuant to Section 40-20-2, Code of Alabama 1975, as amended, shall be paid to the Escambia County board of education, to be used for educational purposes and to be distributed as follows:

Each public board of education now in existence or hereafter created in Escambia County shall receive a pro rata share of said monies based upon the relation its average enrollment in its schools during the preceding school year bears to the average enrollment of all the public schools in Escambia County.

1. The funds received by Escambia County prior to the effective date of this amendatory act from severance tax or privilege tax on oil and gas under any general law, including Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended, or any local law whatsoever, and deposited in the county treasury designated as the "Escambia County courthouse and county jail trust fund," shall be distributed as follows:

(1) All the interest from such investment shall be deposited in the county general fund;

(2) Up to \$500,000.00 of the principal shall be deposited in the county general fund; and

(3) The remaining principal shall be deposited as principal into the "Escambia County oil and gas severance trust" as established in Act No. 84-576, H. 664, 1984 Regular Session (Acts 1984, p. 1198), as amended. The earned interest that is generated by this transfer of principal shall be expended according to the provisions of the said Act No. 84-576, as amended, and by Sections A1, A2 and A3 of this amendment.

2. An amount equal to one-tenth of the net funds received by Escambia County pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, as amended, for the general fund of the county or one hundred thousand dollars (\$100,000.00) of such funds, whichever is the lesser, shall be appropriated by the Escambia County commission from the county general fund to the Escambia County Industrial Development Authority, created by Act No. 89-4, S. 773, of the 1978 Regular Session (Acts 1978, p. 1330). Furthermore, the governing body of Escambia County is hereby authorized to deposit directly into an account authorized by the Escambia County Industrial Development Authority on a monthly installment basis. Said development authority shall have the authority to contract with any municipality in Escambia County for services it deems appropriate out of the funds allocated by this section. Any such monies which are not expended by the said authority by September 20, 1982, and each September 30 thereafter, shall at the request of the Escambia County commission be returned to the general fund of the county.

The provisions of this subsection shall become effective immediately upon the first receipt of funds by Escambia County pursuant to Act No. 79-434, H. 148 of the 1979 Regular Session (Acts 1979, p. 687), as amended.

3. An amount equal to ten percent of the total of all net funds received by Escambia County after the effective date of this act, and distribution of funds as provided in Section B1 hereof, from a severance tax or privilege tax on oil and gas under any general law, including Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended, or any local law whatsoever, or not otherwise herein allocated, distributed or designated, shall be deposited in the Escambia County general fund.

The provisions of this subsection B3 become effective immediately upon the first receipt of funds by Escambia County pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687), as amended.

Section 5. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 6. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 7. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Escambia County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 30, 1991

Passed the Senate June 20, 1991

Act No. 91-155

H. 130 — Rep. Ford

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may by local act provide for the election of the members of the board of education of the City of Attalla in Etowah County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Etowah County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House May 7, 1991

Passed the Senate June 20, 1991

Act No. 91-156

S.J.R. 88 — Senator Bedsoie

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE ON THE CRISIS IN CHILDREN'S REHABILITATION SERVICES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the crisis in children's rehabilitation. The committee shall be composed of three members of each house, one member to be appointed by each presiding officer, one member of each house to be appointed by the Governor, and the Chairman of the Finance and Taxation Committee and the Chairman of the Ways and Means Committee. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the proposed or threatened termination of services to the children of this state needing rehabilitation and other medical services provided through the Children's Rehabilitation Services (CRS).

Upon the request of the chairman, the Commissioner of the State Medicaid Agency shall provide such staff assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 30th legislative day of the 1991 Regular Session, at which time the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is

in session or if a member is being paid any other payments on the same dates for attendance of other state business. The committee shall have subpoena power.

Approved June 20, 1991

Time: 4:30 P.M.

Act No. 91-157

H. 160 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the board for registration of architects with the additional recommendations for statutory changes as set out in section 3 hereof.

Section 2. The existence of the board for registration of architects, created and functioning pursuant to sections 34-2-30 through 34-2-42 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-2-33, 34-2-34, 34-2-39 and 34-2-40, Code of Alabama 1975, are hereby amended to read as follows:

“§34-2-33.

“(a) The board shall receive applications for registration as an architect only on forms prescribed and furnished by said board.

“Upon receipt of such application and the payment of a fee, as established by the board, for residents and nonresidents, said fee in no event exceeding \$200.00 for residents and \$250.00 for nonresidents, the board shall promptly notify the applicant of examination requirements for certification.

“(b) The board may issue to such applicant without further examination, a certificate of registration as an architect, provided

such applicant holds an unexpired certificate issued to him by the national council of architectural registration boards, hereinafter referred to as 'NCARB.'

"(c) The following facts established in the application shall be regarded as prima facie 'evidence' satisfactory to the board that the applicant is fully qualified to be examined for certification:

"(1) Graduation after a course of study of such length as the board shall by regulation determine from a school or college of architecture accredited by the national architectural accrediting board, hereinafter referred to as 'NAAB', and an additional period of practical experience in architectural work under the control and supervision of a registered architect or architects as the board by regulation shall deem appropriate; or,

"(2) Acceptable combinations of education and apprenticeship as may be established by the board; provided further that such acceptable combinations of education and apprenticeship shall comply with the standards of education, training and character as set forth in Appendix 'A' in the 1983 NCARB Circular of Information Number 1. Applicants for examination who meet the aforementioned qualification must submit notice intent to sit for the examination before December 30, 1987, or 90 days after the passage of the amendatory act, whichever time period is longer. After such time, the only qualification for examination acceptable to the board will be graduation from a NAAB accredited school or college and an additional period of practical experience.

"Such applicants must take and pass the professional examination administered by the board.

"(d) In determining the sufficiency of the applicant's qualifications for registration, a majority vote of the members of the board shall be required.

"(e) Certificates for registration shall expire on the thirtieth day of September following their issuance or renewal and shall become invalid on that day unless renewed.

"Certificates of registrants who are or may be in the armed forces of the United States shall not expire until the thirtieth day of September following such registrant's discharge or final separation from the armed forces of the United States.

"(f) Renewal may be effected at any time prior to or during the month of September by the payment of a fee for bona fide residents of the state of Alabama and by the payment of a fee for nonresidents of the state of Alabama, said fees to be established in the discretion of the board, not to exceed \$75.00 for residents and

\$150.00 for nonresidents; provided further, however, that renewal must be effected not later than December 31 in order to avoid the penalty prescribed for failure to timely renew.

"A penalty not to exceed the sum of \$75.00 may be added to the renewal fee for failure to renew a certificate upon such terms and conditions as the board may by regulation determine.

"(g) There is hereby created, for renewal of certificate purposes, a status to be known as 'emeritus status architect,' which shall apply to architects who have been registered for 10 consecutive years or longer, and who are 65 years of age or older, and who have retired from active practice. The annual renewal of registration for emeritus status shall be renewed without payment of a fee. If an emeritus status architect subsequently wishes to practice, he may do so without penalty by proper application to the board."

"§34-2-34.

"The board shall have the power following disciplinary powers:

"(a) To issue reprimands to any licensee who violates any provision of this chapter or the rules and regulations of the board;

"(b) To levy administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than \$5,000.00 for each day the violation continues, but in no event shall an administrative fine exceed \$25,000.00 total per violation; or

"(c) To refuse to issue a certificate, to suspend a certificate for a definite period or to revoke the certificate of registration of an architect who is found guilty of:

"(1) Any fraud or deceit in obtaining a certificate of registration as determined by the board at a hearing; or

"(2) Gross negligence, incompetency or misconduct in the practice of architecture as determined by the board at a hearing; or

"(3) A felony or misdemeanor involving moral turpitude by a court of competent jurisdiction; or

"(4) Practicing architecture in this state in violation of the standards of professional conduct established by the board; or

"(5) Practicing architecture in this or any other state or country in violation of the laws of that state or country; or

"(6) Aiding or abetting any individual, partnership or corporation to engage in the practice of architecture in violation of any provisions of law.

"Pursuant to this subsection (c), notice of the nature of the charges placed against an architect and the time and place of hearing these charges by the board must be sent to the accused by registered mail, with return receipt requested, and addressed to his last known place of business, or residence, not less than 10 days before the date fixed for such hearing. Said notice shall inform the individual that he is entitled to be represented by counsel of his choosing at the hearing, to have witnesses testify in his behalf at the hearing, to confront and cross-examine witnesses at the hearing and to testify in his own behalf at the hearing.

"(d) In all cases of reprimand, administrative fine, refusal, suspension or revocation of a certificate of registration, or any other disciplinary action of the board, the accused may appeal to the circuit court of Montgomery county, Alabama. Either party, the accused or the board, has the right to appeal from the final decree of the circuit court as provided by law."

"§34-2-39.

"(a) Each member of the board shall receive a certificate of appointment from the governor. Before beginning his term of office, each member of the board shall file with the secretary of state the constitutional oath of office.

"(b) The board, or any committee thereof, shall be entitled to the services of the attorney general in connection with the affairs of the board, and the board shall have the power to compel attendance of witnesses, to require production of documents, to administer oaths and to take testimony and proof concerning all matters within its jurisdiction.

"(c) The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted.

"(d) The board shall have power and authority to make and adopt bylaws, rules and regulations consistent with the provisions of this chapter and pursuant to the state administrative procedure law in order to comply with the provisions of this chapter and to establish standards of professional conduct of architects.

"(e) The board shall adopt a program of continuing education not later than October 1, 1993, in order to insure that all registered architects remain informed of those technical and professional subjects which the board deems appropriate to professional architectural practice. The board may by regulation describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of an architect's certificate of registration."

“§34-2-40.

“(a) The board shall hold at least four regular meetings each year.

“(b) The board shall elect annually a chairman and vice chairman who must be members of said board, and a secretary, who may or may not be a licensee of said board. The board may, with the approval of the governor, employ clerks, experts, attorneys and others, as may be necessary in the carrying out of the provisions of this chapter.

“(c) The board shall have the power, with the approval of the governor, to fix the compensation of the secretary and other employees.

“(d) A quorum of the board shall consist of not less than a majority of the duly appointed board members.”

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 20, 1991

Time: 4:50 P.M.

Act No. 91-158

H. 115 — Rep. Ford

AN ACT

Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County Commission is hereby authorized and empowered to levy either a county gasoline tax that would remain in effect indefinitely in all areas of the county in an amount not to exceed two cents (2¢) per gallon on gasoline and motor fuel and substitutes therefor or to levy a one cent (1¢) county sales and use tax in all areas of the county that would only be in effect from its date of imposition until December 31, 1995, at which time such sales and use tax would expire and no longer be in effect.

Section 2. Should the county commission choose to impose a gasoline tax under Section 1 of this act, such tax shall be levied on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline, motor fuels and substitutes therefor anywhere in Etowah County. Such gasoline and motor fuel taxes levied under this act shall be administered, collected and enforced by the state revenue department in the same manner and subject to the same penalties and exemptions therefrom as any existing state gasoline and motor fuel taxes are presently being administered by such department. The county commission shall enter into a contract with the state revenue department for the collection and enforcement of any county gasoline taxes imposed under this act.

Section 3. Should the county commission choose to impose a sales and use tax in the county that would expire on December 31, 1995, such tax shall parallel the state sales and use taxes including exemptions therefrom and enforcement penalties therefor. The county commission shall enter into a contract with the state revenue department for the collection and enforcement of any county-wide sales and use taxes imposed under this act.

Section 4. It is the intent of this act to allow the county commission to have a choice between levying either a countywide gasoline tax or a countywide sales and use tax. Under no circumstances shall this act be construed so as to authorize the levying of both gasoline and sales and use taxes. When the county commission makes its choice public, it shall be deemed to have exercised all taxing authority conferred upon it by the provisions of this act.

Section 5. The net proceeds from whichever tax the county commission chooses to levy under this act shall be deposited in a special county fund to be expended for the construction and maintenance of a county jail and for renovation of the existing county courthouse.

Section 6. The penalty for delinquent payment of a tax or any other violations related to a tax imposed under the authority of this act shall be the same as the penalty prescribed by law for violations of the state tax paralleling the county tax imposed under this act.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 2:40 P.M.

Act No. 91-159

H. 473 — Reps. McMillan, Penry

AN ACT

Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act, the following terms shall have the respective meaning ascribed by this section:

(1) **COUNTY.** Baldwin County which has levied excise taxes pursuant to the provisions of this act.

(2) **GASOLINE.** Gasoline, naphtha and other liquid motor fuels or any device or substitute therefor commonly used in internal combustion engines; provided, that such term shall not be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil" when used for lighting, heating or industrial purposes.

(3) **MOTOR FUEL.** Diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in any county for use in the operation of any motor vehicle upon the highways of this state.

(4) **PERSON.** Persons, corporations, copartnerships, companies, agencies, associations, incorporated or otherwise, singular or plural.

(5) **DISTRIBUTOR.** Any person who engages in the selling of gasoline or motor fuel in this state by wholesale domestic trade, but shall not apply to any transaction of such distributor in interstate commerce.

(6) **REFINER.** Any person who manufactures, distills, blends, compounds or mixes any one or more products in the production of gasoline or motor fuel as herein defined.

(7) **RETAIL DEALER.** Any person herein defined as a distributor who is also engaged in the selling of gasoline or motor fuel in this state at any place in this state in broken quantities.

(8) **STORER.** Any person who ships or causes to be shipped or receives gasoline or motor fuel into this state in any quantities and stores the same in any manner and withdraws or uses the same for any purpose.

(9) **USER.** Any person who uses or consumes gasoline or motor fuel in this state in any manner or for any purpose; provided, that the term "user" is not to include any refiner who has a refinery or refineries located within the state of Alabama when using gasoline or motor fuel in the manufacturing or refining process, or any person who holds a federal permit to blend motor fuels under the federal law and statutes and who pays the federal excise tax on such motor fuels directly to the federal government, when such person uses gasoline in this state in such blending process.

Section 2. Subject to the provisions of Section 14, there is hereby imposed excise taxes in an amount not to exceed three cents (\$.03) per gallon on persons selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline and motor fuel within such counties and to require every distributor, retail dealer or storer of gasoline or motor fuel as herein defined to pay such excise taxes upon the selling, distributing or withdrawing from storage for any use, gasoline and motor fuel as herein defined in such counties; provided that excise taxes levied pursuant to the provisions of this act shall not be levied upon the sale of gasoline or motor fuel in interstate commerce, and provided further that if the excise tax imposed under this act upon the sale of such gasoline or

motor fuel shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the taxes shall not be paid but once. Pursuant to the rulemaking authority of Section 7 of this act, the term "interstate commerce" shall have the meaning prescribed by the county commission and/or the State Department of Revenue. The excise taxes imposed pursuant to the provisions of this act shall apply to persons, firms, corporations, dealers or distributors storing gasoline or motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline or motor fuel and its substitutes paying the taxes herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such taxes on the basis of their withdrawals or distributions. The taxes herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline or motor fuel or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline or motor fuel as herein defined; however, there shall not be levied any tax upon any gasoline or motor fuel as herein defined when used in essential governmental functions by the state of Alabama or any agency thereof, or county governing agencies, municipalities, any other entity as determined by the county governing body, to be exempted under existing state statutes and boards of education. Provided, further, any user exempt from the state gasoline or motor fuel tax is hereby exempt from the tax levied pursuant to this act.

Section 3. On or before the 20th day of each month after this act has become effective, every person upon whom the excise tax is levied shall render to the county commission of Baldwin County on forms prescribed by such county commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed pursuant to the provisions of this act, and shall furnish to the Baldwin County Commission such additional information as the Baldwin County Commission may require upon blanks to be formulated and furnished by the Baldwin County Commission, and at the time of making such report shall pay to the Baldwin County Commission an amount of money equal to the excise tax levied under this act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than three years within the state of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline and motor fuel made in Baldwin County taxed under this act.

Section 5. Within thirty days after any tax shall have been levied under authority of this act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline or motor fuel in Baldwin County shall make a report on blanks furnished under Section 3 hereof to the Baldwin County Commission, showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline or motor fuel within Baldwin County, which information shall be entered by the Baldwin County Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the Baldwin County Commission of such removal giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the tax imposed under this act has become effective, no person shall become a distributor, storer or seller of gasoline or motor fuel in Baldwin County until he shall have made such reports to the Baldwin County Commission.

Section 6. If any distributor, storer or retail dealer of gasoline or motor fuel in Baldwin County shall fail to make the reports or any of them as required in any provision of this act or shall fail to comply with any regulation adopted for the collection of said tax by the Baldwin County Commission, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punished for each offense as otherwise provided by law.

Section 7. It shall be the duty of the county commission of Baldwin County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Baldwin County Commission, the State Department of Revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. All persons, firms,

businesses and corporations subject to and owing such taxes shall be and hereby are directed to pay the same over to the department and such payment shall be a full and complete discharge of all liability therefor to said county. The department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The department is authorized to recover all costs of collecting such taxes, not to exceed 5% of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to said county.

Section 8. If any distributor, storer or retail dealer in gasoline or motor fuel shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this act, the tax shall be deemed delinquent within the meaning of this act and there shall be added to the amount of his tax a penalty of 25%, provided, if in the opinion of the county commission of Baldwin County a good and sufficient cause or reason is shown for such delinquency, the penalty may be rescinded. The Baldwin County Commission shall be authorized and empowered to make returns for delinquent taxpayers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this act. If any person shall be delinquent in the payment of any tax imposed pursuant to the provisions of this act, the county commission of Baldwin County shall issue execution for the collection of the same, directed to the Baldwin County sheriff, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector and make return of such execution to the Baldwin County Commission. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to Baldwin County by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in Baldwin County and elsewhere in this state of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of Baldwin County by the attorney general of the state of Alabama, or by such counsel as the county commission of Baldwin County shall direct, from distributing, selling, storing or withdrawing from

storage any gasoline or motor fuel the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this act.

Section 11. Each agent of any railroad company, bus or truck operator or other transportation company or agency operating in Baldwin County shall report to the county commission of Baldwin County on the first day of January, April, July and October of each year all shipments of gasoline or motor fuel as defined in this act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in Baldwin County during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or motor fuel or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this act shall be paid into a special fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of construction, improvement and maintenance of public highways and bridges including administrative expenses in connection therewith, the retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance, the matching of federal or state funds in the construction of improved roads and bridges in Baldwin County in the same manner as other county funds are used to match federal and state funds and for payment of the costs incurred in the administration and enforcement of this act.

Section 14. The county commission is hereby authorized to suspend the levy of the tax imposed pursuant to this act in the event annual increases in the ad valorem tax revenue and/or the offshore severance tax revenue received by the county in the period from 10/1/91 to 1/1/95 exceeds the amount of revenue collected pursuant to this act. In the event the levy of said tax is suspended, all expenses of taxpayer notification, unconsumed forms, and other actual and direct expenses of the Department of Revenue shall be paid by the county commission.

Section 15. After January 1, 1995, the county commission is authorized to levy two separate and distinct taxes each in the amount of one cent (\$.01) per gallon on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and

substitutes therefor in the county. Said tax shall parallel the state excise tax on gasoline and motor fuel and shall be collected in the same manner.

Section 16. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 2:22 P.M.

Act No. 91-160

H. 116 — Rep. Ford

AN ACT

Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Etowah County, in addition to all other charges, costs, taxes or fees levied by law on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature, the Etowah County Commission is hereby authorized to levy a user fee of \$1.00 per tag. Such user fee shall be collected as are all other license tag fees in Etowah County and the net revenues paid into the general fund of the county treasury and shall be distributed by the county commission as they deem appropriate for the operation of the county.

Section 2. The provisions of this act are cumulative to any and all other laws relating to motor vehicle license tags and charges, costs, taxes or fees levied and collected therefrom.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 2:23 P.M.

Act No. 91-161

H. 114 Rep. Ford

AN ACT

Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established a school board for the City of Attalla, Alabama, which board shall be called "The Attalla Board of Education". The members of such board shall be elected by vote of the qualified electors of the City of Attalla, Alabama, as hereinafter provided. Said board shall be composed of five members, with one member of such board being elected from each of five school districts as defined in Section 2 of this act.

Section 2. The school districts from which such board members are to be elected shall be geographically identical to the districts from which the five council members of the City of Attalla are elected. In the event the boundaries of a city council district should be changed for any reason, the boundaries of the corresponding school board district within the City of Attalla shall automatically change accordingly without the necessity of further action by the legislation.

Section 3. Candidates for each place on the city board of education shall be at least 21 years of age, residents of the school

board district which they seek to represent on such board for at least 90 consecutive days immediately preceding the deadline date for qualifying as a candidate and shall not have a record of conviction for any crime involving moral turpitude. At the time of qualifying, each candidate for each place on such board shall pay such qualifying fee as shall be prescribed by the city council of Attalla, Alabama, not later than six months prior to the qualifying deadline as provided by law. Provided, however, that the qualification fee for the first elections to be held for the board created by this act shall be \$25.00 for each candidate.

Section 4. Such elected school board members shall serve for staggered four-year terms. The initial election for such city school board members shall be held in conjunction with the Attalla city council election in 1992. The school board members elected from school board districts No. 2 and No. 4 at such election shall serve initial terms of two years. Such board members elected from school board districts No. 1, No. 3 and No. 5 shall serve initial terms of four years. Such initially elected board members shall serve from the date on which they are sworn into office until the swearing in of their successors next following the next regularly scheduled school board elections. Terms of office for the initially elected board members shall commence at noon on the first Monday of October 1992. Subsequent school board elections shall be called by the city in conformity with the applicable state laws for such elections. At its initial meeting, by majority vote, the board shall elect from its membership a chairperson. Thereafter, every two years immediately following the swearing in of elected board members, the board shall so elect its chairperson.

Section 5. In the event a vacancy occurs in the office of members of the city board of education, the vacancy shall be filled by appointment by a majority of the remaining members of the city board of education, and the appointee shall hold such board seat for the unexpired term. In the event the vacancy is not filled by the remaining members of the city board within 30 days, the state superintendent of education shall fill such vacancy by appointment. The city superintendent of education shall notify the state superintendent of education when a vacancy in the office of a member of the city board of education has not been filled within 30 days.

Section 6. In the event no candidate receives a majority of all of the votes cast for any one or more positions on such school board, the city council shall order a run-off election to be held separately or in conjunction with any scheduled primary, special or

general election, at which election the two candidates receiving the most votes for the office in the initial election shall be the only candidates. The candidate receiving the most votes in such run-off election shall be declared as elected. In the event of a tie vote between such run-off candidates, the then serving city council shall decide the election by majority vote at a special meeting called for such purpose by the council's presiding officer.

Section 7. All members of the elected city school board created by this act shall represent the interests of any student of the city school system who is not otherwise represented by a certain district school board member as provided for in this act.

Section 8. The compensation for the members of such school board shall be \$100.00 per month to be paid from city school system funds; provided, however, that such board may change this amount by majority vote thereof, which changes must be made not later than six months prior to the deadline for qualification of candidates for seats on such board of education. Thereafter, such compensation as set by such board, from time to time, shall be in effect for successor boards.

Section 9. Such board of education shall have the financial records of the Attalla School System audited at least annually by an independent auditing firm with the results of such audit being a matter of public record.

Section 10. The members of such board shall have such powers, authority, duties and responsibilities as are otherwise provided by law for members of boards of education as set forth in Title 16, chapter 11, Code of Alabama 1975.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected board of education for the City of Attalla, Alabama.

Approved June 27, 1991

Time: 2:45 P.M.

Act No. 91-162

H. 14 — Rep. Mathis

AN ACT

To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may, from time to time, by local law, subject to such conditions as it may specify: 1) authorize or require the Geneva County governing body to levy, collect, administer and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees for any purpose, including distribution to volunteer fire departments, rescue squads and nongovernmental entities who perform a public service or function; and 3) provide for exemptions to said taxes and fees.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Geneva County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 23, 1991

Passed the Senate June 20, 1991

Act No. 91-163

H. 687 — Reps. Kvalheim, Zoghby,
Rockhold, Harper,
Gaston, Buskey (JE),
Clark (W), Box

AN ACT

To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The capital and income from any Policemen's and Fire Fighters' Pension Fund for a Class 2 municipality, may be invested in such kinds of investments and in accordance with such conditions as shall, from time to time, be authorized by law for the investment of the Alabama Heritage Trust Fund and the Alabama Trust Fund or any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Mobile County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House May 21, 1991

Passed the Senate June 20, 1991

Act No. 91-164

H. 162 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of the polygraph examiners board, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the polygraph examiners board, created and functioning pursuant to Sections 34-25-1 through 34-25-36, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-25-26 and 34-25-29 of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-25-26.

The fee requirements of this chapter shall apply to all polygraph examiners, including those employed by governmental agencies, and to those who engage in polygraph examinations on any commercial basis. The fees to be paid, effective October 1, 1991, are as follows:

“(1) By an applicant for an examination to determine his fitness to receive a polygraph examiner’s license is \$150.00, which is not to be credited as payment against the license fee and is not refundable;

“(2) For an original polygraph examiner’s license is \$100.00;

“(3) For an internship license is \$100.00;

“(4) For the issuance of a duplicate polygraph examiner’s license is \$20.00;

“(5) For a polygraph examiner’s renewal license is \$100.00;

“(6) For the extension or renewal of an internship license is \$100.00; and

“(7) For a duplicate internship license is \$20.00.”

“§34-25-29.

“(a) Each polygraph examiner’s license shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually as prescribed by the board. A polygraph examiner whose license has expired may at any time within six months after the expiration thereof obtain a renewal license without examination, by making a renewal application therefor and satisfying subdivisions (2), (3) and (4) of subsection (a) of section 34-25-21. However, any polygraph examiner whose license expired while he was in the federal service on active duty with the armed forces of the United States, or the national guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service may have his license renewed without examination if within six months after termination of such service, training or education, except under condition other than honorable, he furnishes the board with an affidavit to the effect that he has been so engaged and that his service, training and/or other education has been so terminated. Subdivisions (2), (3) and (4) of subsection (a) of section 34-25-21 must also be satisfied.

“(b) The board shall adopt a program of continuing education for its licensees not later than October 1, 1993, and after said date no licensee shall have his active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:01 P.M.

Act No. 91-165

H. 163 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the state board of occupational therapy with the additional recommendations for statutory changes as set out in Section 3 hereof.

Section 2. The existence of the state board of occupational therapy, created and functioning pursuant to sections 34-39-1 through 34-39-16 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-39-14, 34-39-16 and 41-20-3, Code of Alabama 1975, are hereby amended to read as follows:

“§34-39-14.

“The board is empowered to establish, publish and collect reasonable fees and costs in amounts determined by the board for the following purposes:

“(1) Application for examination;

“(2) Limited permit fee;

“(3) Initial license fee;

“(4) Renewal of license fee;

“(5) Late renewal fee; and

“(6) The costs of conducting a hearing of any person whose license or certificate of qualification is suspended, revoked or refused as a result of such hearing.”

“§34-39-16.

“(a) Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapy

assistant in the state charging said person with having violated the provisions of this chapter. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When such complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his or her address of record, with a written notice of the time and place of hearing thereof, advising him or her that he or she may be present in person and by counsel if he or she so desires, to offer evidence and be heard in his or her defense.

“(b) At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his or her defense. The board shall be bound by the rules of evidence in contested cases under Section 41-22-13 of the Alabama Administrative Procedure Statute and all oral testimony considered by the board must be under oath. If the board finds that the licensed occupational therapist or the licensed occupational therapy assistant has violated the provisions of this chapter, it shall immediately suspend or revoke his or her licensure.

“(c) The action of the board in suspending, revoking or refusing to issue a license may be appealed to the circuit court of Montgomery county accompanied by a bond to be approved by the court. The notice of appeal shall be filed within 30 days from the receipt of such order or ruling. Appeals shall be governed by the judicial review provisions of Section 41-22-20 of the Alabama Administrative Procedure Statute, except that the review procedure provided therein shall not suspend the action of the board nor stay the enforcement of any order in the suspension, revocation or refusal of a license.”

“§41-20-3. “(a) The following agencies shall automatically terminate on the dates specified, unless a bill is passed that they be continued, modified or reestablished:

“(1) October 1, 1981 shall be the termination date for:

“a. State board of auctioneers — created by section 34-4-50.

“b. Alabama board of cosmetology — created by section 34-7-40.

c. Examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons — created by section 2-28-2.

“d. Alabama board of funeral service — created by section 34-13-20.

“e. State pilotage commission — created by section 33-4-1.

“f. Polygraphic examiners board — created by section 34-25-4.

“g. Alabama board of examiners for speech pathology and audiology — created by section 34-28A-40.

“h. State board of veterinary medical examiners — created by section 34-29-20.

“i. Alabama real estate commission — created by section 34-27-7.

“j. Board of bar examiners — created by section 34-3-2.

“k. Board of examiners of mine personnel — created by section 25-9-9.

“l. Alabama board of social work examiners — created by section 34-30-50.

“(2) October 1, 1982, shall be the termination date for:

“a. State board for registration of architects — created by section 34-2-38.

“b. Alabama board of examiners of landscape architects — created by section 34-17-2.

“c. Alabama state board of public accountancy — created by section 34-1-3.

“d. State board of registration for foresters — created by section 34-12-30.

“e. State board for registration of professional engineers and land surveyors — created by section 34-11-30.

“f. State licensing board for general contractors — created by section 34-8-20.

“g. State board of chiropractic examiners — created by section 34-24-140.

“h. Alabama firefighters’ personnel standards and education commission — created by section 36-32-2.

“i. Board of hearing aid dealers — created by section 34-14-30.

“j. Alabama board of optometry — created by section 34-22-40.

“k. Alabama peace officers’ standards and training commission — created by section 36-21-41.

“l. Board of physical therapy — created by section 34-24-192.

“m. Board of plumbing examiners — created by section 40-12-145.

“n. Alabama board of examiners in psychology — created by section 34-26-20.

“o. State board of heating, air conditioning, roofing and sheet metal contractors — created by section 34-31-2.

“p. Alabama dairy commission — created by section 2-13-42.

“q. Board of dental examiners of Alabama — created by section 34-9-40.

“r. Board of nursing — created by section 34-21-2.

“s. State board of examiners of nursing home administrators — created by section 34-20-4.

“t. State board of pharmacy — created by section 34-23-90.

“u. State board of podiatry — created by section 34-24-250.

“v. State athletic commission — created by section 41-9-90.1.

“(3) October 1, 1983 and every fourth year thereafter shall be the termination date for:

“a. Board for registration of architects — created by section 34-2-38.

“b. Alabama board of examiners of landscape architects — created by section 34-17-2.

“c. State licensing board for general contractors — created by section 34-8-20.

“d. State board of registration for professional engineers and land surveyors — created by section 34-11-30.

“e. Board of bar examiners — created by section 34-3-2.

“f. Polygraphic examiners board — created by section 34-25-4.

“g. State board of occupational therapy — created by section 34-39-6.

“(4) October 1, 1984 and every fourth year thereafter shall be the termination date for:

“a. Alabama state board of social work examiners — created by section 34-30-50.

“b. Alabama board of examiners in psychology — created by section 34-26-20.

"c. Alabama state board of public accountancy — created by section 34-1-3.

"d. Alabama board of cosmetology — created by section 34-7-40.

"e. Alabama board of funeral service — created by section 34-13-20.

"f. Alabama real estate commission — created by section 34-27-7.

"g. Alcoholic beverage control board — created by section 28-3-40.

"h. Department of insurance — created by section 27-2-1.

"i. Alabama securities commission — created by section 8-6-50.

"j. State pilotage commission — created by section 33-4-1.

"k. Public service commission — created by section 37-1-1.

"l. Examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons — created by section 2-28-2.

"m. State board of heating, air conditioning, roofing and sheet metal contractors — created by section 34-31-2.

"n. Board of examiners of mine personnel — created by section 25-9-9.

"o. Plumbing examiners board — created by section 40-12-145.

"p. Alabama liquefied petroleum gas board — created by section 9-17-101.

"q. State board of auctioneers — created by section 34-4-50.

"(5) October 1, 1985 and every fourth year thereafter shall be the termination date for:

"a. Alabama board of examiners for speech pathology and audiology — created by section 34-28A-40.

"b. Board of nursing — created by section 34-21-2.

"c. State board of chiropractic examiners — created by section 34-24-140.

"d. State board of veterinary medical examiners — created by section 34-29-20.

"e. Board of examiners of nursing home administrators — created by section 34-20-4.

"f. Board of physical therapy — created by section 34-24-192.

"g. Board of hearing aid dealers — created by section 34-14-30.

"h. Alabama board of examiners for speech pathology and audiology — created by section 34-28A-40.

"i. Board of dental examiners in Alabama — created by section 34-9-40.

"j. State board of medical examiners — created by section 34-24-53.

"k. Alabama board of optometry — created by section 34-22-40.

"l. State board of pharmacy — created by section 34-23-90.

"m. State board of podiatry — created by section 34-24-250.

"(6) October 1, 1986 and every fourth year thereafter shall be the termination date for:

"a. Board of registration for sanitarians — created by section 34-28-20.

"b. Alabama surface mining reclamation commission — created by section 9-16-33.

"c. State oil and gas board — created by section 9-17-3.

"d. State board of registration of foresters — created by section 34-12-30.

"e. Alabama dairy commission — created by section 2-13-42.

"f. State radiation control agency — created by section 22-14-4.

"(b) Any law to the contrary notwithstanding, nothing in this chapter shall be construed to limit the joint committee's right to call any enumerated agency for review at a date earlier than specified in this section; nor shall the committee be limited to making recommendations for termination only or continuance only.

"(c) The sunset committee shall have the authority to review any enumerated or nonenumerated agency and shall make recommendations for continuance, termination or modification. Any nonenumerated agency reviewed shall continue unless a bill is passed and becomes law to terminate or modify the agency.

“(d) Either house may pass a resolution instructing the sunset committee to review an enumerated or nonenumerated agency. After passage of said resolution, the sunset committee shall review such agency and report its findings as provided for in subsection (d) of section 41-20-4.”

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:02 P.M.

Act No. 91-166

H. 393 — Rep. Newton (C)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County are hereby altered, rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included, all of the following territory, to-wit: N 1/2 of S 1/2 of SW 1/4, Section 8; W 1/2 of SW 1/4 and SW 1/4 of NW 1/4, Section 17, all being in Township 8, North of the St. Stephens base line, Range 19, East of the St. Meridian, Crenshaw County, Alabama.

Section 2. In accordance with the provisions of Section 11-42-6(b), Code of Alabama 1975, as amended, a map showing what territory is proposed to be annexed to the Town of Glenwood is on file in the office of the Judge of Probate of Crenshaw County, Alabama, and such map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:04 P.M.

Act No. 91-167

H. 417 — Rep. Flowers

AN ACT

Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:05 P.M.

Act No. 91-168

H. 524 — Rep. Melton

AN ACT

Relating to Tuscaloosa County; abolishing the office of constable.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of constable is hereby abolished pursuant to Section 36-23-1 of the Code of Alabama 1975. All assets, money, property, equipment and supplies belonging to such office shall be transferred to the county governing body for use or disposition as they shall deem proper for the county.

Section 2. Any person now serving in such office in Tuscaloosa County shall be entitled to any vested rights accrued.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:06 P.M.

Act No. 91-169

H. 428 — Reps. Clark (W), Buskey (JE)

AN ACT

To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43C-52, Code of Alabama 1975, is hereby amended to read as follows:

“§11-43C-52.

“If the mayor shall disapprove of any expenditure line item contained in the budget transmitted to him by the council, he shall, within 10 days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council, and if four of the council members shall at the meeting adhere to said expenditure line item by yeas and nays and spread upon the minutes, then said expenditure line item shall become effective.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:07 P.M.

Act No. 91-170

H. 546 — Reps. Sanderson, Barnes, Rogers (J), Gaines, Rogers (F), Carns, Curry, Newton (D), Biddle, Hawkins, Spratt, Petelos, Morton

AN ACT

Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, effective January 1, in the year following the ratification of an amendment to the Alabama Constitution of 1901, as amended, enacted during the current session of the Legislature and ratified by the people, an annual business license fee of twenty-two dollars (\$22.00) is hereby imposed on all corporations, firms, brokers, agents and other persons or entities engaged in Jefferson County in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County.

Section 2. Such license fee shall be paid annually, at the same time as the license fee imposed under Section 40-12-149 of the Code of Alabama 1975, to the Revenue Director of Jefferson County.

Section 3. After subtracting two dollars (\$2.00) from each such license as an administrative fee, the Revenue Director of Jefferson County shall distribute the total license fees collected hereunder to each city and town in Jefferson County on a pro-rata basis according to population before October 1 each year, commencing October 1, in the year following the ratification of said constitutional amendment.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon the ratification of that certain constitutional amendment, proposed during the current session of the legislature, authorizing Jefferson County to levy additional license fees on certain real estate operations and transactions. It is specifically provided that if such proposed constitutional amendment is not ratified the provisions of this act shall become null and void.

Approved June 27, 1991

Time: 3:10 P.M.

Act No. 91-171

H. 429 — Reps. Clark (W), Buskey (JE)

AN ACT

To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43C-21, Code of Alabama 1975, is hereby amended to read as follows:

“§11-43C-21.

“All legislative powers of the city, including all powers vested in it by this chapter, by the laws, general and local, of the state, and by the Code of Alabama 1975, as amended, and the determination of all matters of legislative policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

“(1) Appoint stenographic and clerical employees deemed necessary for service to the council, subject to the provisions of any merit system in effect at such time;

“(2) Upon recommendation of the mayor, establish administrative departments and distribute the work of divisions;

“(3) Adopt the budget of the city;

“(4) Authorize the issuance of bonds or warrants;

“(5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;

“(6) Appoint the members of all boards except the Planning Commission and the Housing Board and the Industrial Development Authority;

“(7) Succeed to all the powers, rights and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this chapter; and

“(8) Levy property, sales and license taxes and local improvement assessments.

“Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from office, or in any manner take part in the appointment or removal

of officers and employees in the administrative service to the city, except as provided in subdivision (1) of this section. Except for the purpose of inquiry, the members of the council shall deal with the administrative service only through the mayor. Members of the council shall not give orders to any subordinates of the mayor, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:11 P.M.

Act No. 91-172

H. 564 — Reps. McMillan, Penry

AN ACT

Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County, each member of the county commission, at the discretion of the county commission, shall be entitled to receive a mileage allowance in same amount as the mileage allowance authorized by the Internal Revenue Service.

Section 2. The provisions of this act shall be retroactive to January 1, 1987.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:12 P.M.

Act No. 91-173

H. 454 — Rep. Melton

AN ACT

Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the occurrence of a vacancy in the office of chief deputy sheriff of Tuscaloosa County, such office shall cease to be in the classified service of the county pursuant to the county civil service or merit system law. Thereafter the chief deputy sheriff of Tuscaloosa County shall be an employee of the county in the unclassified service. Such chief deputy shall be appointed by the sheriff without regard to the county civil service or merit system law, and he shall serve at the pleasure of the sheriff.

Section 2. The compensation of the chief deputy sheriff shall be a salary, payable out of the county treasury, in the same manner and at the same time as the salaries of other employees of such county are paid. The chief deputy shall receive salary compensation in an amount equal to that set by the Personnel Board of Tuscaloosa County, Alabama, for a position three (3) pay grades higher than the highest paid captain in the Tuscaloosa County Sheriff's Department. The chief deputy shall be entitled to receive all the same benefits as other employees in the classified service of the county.

Section 3. The sheriff of Tuscaloosa County shall not fill the position of chief deputy in the manner herein authorized until the next vacancy in such office occurs.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:13 P.M.

Act No. 91-174

H. 465 — Rep. Newton (C)

AN ACT

Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, whether special, local, or general or municipal ordinance, to the contrary notwithstanding, pursuant to Civil Action No. 87-T-1289-N, U.S. District Court for the Middle District Northern Division Federal Court Order, the Town of Rutledge in Crenshaw County, shall not designate by place number, or by other similar method, seats for its city council.

Section 2. The city council of the Town of Rutledge, Alabama, shall consist of five members elected at large, without designated or numbered places. In the election of members of the said city council, the five candidates receiving the greatest number of votes shall be elected to the said council. There shall be no runoff election and in the event of a tie vote, the winner shall be selected by a majority vote of the newly elected mayor and council. In such election for members of the city council, each qualified voter is authorized to cast only one vote.

Section 3. The requirement for office, application for candidacy and the fees therefor shall continue to be set by resolution of the said city council. It is expressly provided that all other provisions of law and ordinances relating to elections for city council members shall remain effective and, except as herein provided, the office of city councilman and the operation of the governing body of Rutledge, Alabama, shall continue as otherwise provided by law.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:14 P.M.

Act No. 91-175

H. 9 — Rep. Newman

AN ACT

Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled, "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system" is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:15 P.M.

Act No. 91-176

H. 40 — Rep. Hammett

AN ACT

Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Political signs, markers and advertising on the rights-of-way of county controlled highways are prohibited in Covington County except those official signs or markers placed thereon by Covington County or under the authority of that governmental entity. No political sign, marker or poster may be attached to any official sign or marker placed by the county or on any utility pole or tree on the rights-of-way of a county highway.

Section 2. Any person violating the provisions of this act shall upon conviction be guilty of violating Section 23-1-6, Code of Alabama 1975.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:16 P.M.

Act No. 91-177

H. 60 — Rep. White

AN ACT

Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, the chairman and associate commissioners of the county commission of Escambia County shall be entitled to receive a monthly expense allowance in the amount of \$300.00 to be paid from the county general fund. Said expense allowance shall be in addition to all other compensation, expense allowances or benefits granted to the chairman and associate commissioners.

Section 2. Beginning after the next election, the expense allowance paid to the chairman and associate commissioners as provided in Section 1, shall be null and void. In lieu thereof the chairman and associate commissioners shall receive an additional monthly compensation of \$300.00. Said compensation shall be in addition to all other compensation expense allowances or benefits received.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:17 P.M.

Act No. 91-178

H. 59 — Rep. White

AN ACT

This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1, Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), is hereby amended to read as follows:

"Section 1. For the purpose of promoting industry and trade and to assist the county commission or other like governing bodies in Escambia County in their pursuits thereof, there is hereby created an Industrial Development Authority for Escambia County which shall be composed of eleven (11) members. All members of the Authority shall be residents and qualified electors of Escambia County.

"(a) Five members of the Authority shall be appointed by the Escambia County Commission. All appointments of successors to these five members shall be made by the Escambia County Commission, from a list submitted by the House of Representatives member whose district encompasses the majority of Escambia County. If such successors are not appointed within ninety (90) days after the expiration of such members' terms, the House of Representatives member whose district encompasses the majority of Escambia County shall appoint the successors, and all members shall serve until their successors are appointed. The members of the Authority appointed by the Escambia County Commission or the House of Representatives member whose district encompasses the majority of Escambia County shall serve for terms of four years. Vacancies in the positions of these five members shall be filled in the same manner as the original five members are appointed, but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

"(b) The governing bodies of Brewton and Atmore shall each appoint two members of the Authority. The governing bodies of Flomaton and East Brewton shall each appoint one member of the Authority. The members of the Authority appointed by the governing bodies of Brewton, Atmore, Flomaton, and East Brewton shall serve for terms of three years. Successors to these six members shall be appointed in the same manner as the original six members are appointed, so long as the governing bodies financially support the Industrial Development Authority of Escambia County. All members shall serve until their successors are appointed. Vacancies in the positions of these six members shall be filled in the same manner as the original six members are appointed, but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term. At the completion of any three-year term, or in the case of a vacancy, if a governing body has chosen not to financially support the Industrial Development Authority of

Escambia County, its appointees shall be appointed in the same manner as those in subsection (a)."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:21 P.M.

Act No. 91-179

H. 470 — Reps. Penry, McMillan

AN ACT

Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Gulf Shores in Baldwin County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Commence at the Northeast corner of Section 10, Township 9 South, Range 4 East, as per plat of survey for the State of Alabama Department of Conservation and Natural Resources, dated May 3, 1985, by Robert A. Meadows (Ala. Reg. No. 12494); run thence South 00 degrees-01'-33" East along the East line of said Section 10 for 726.16 feet to the South right-of-way of the Intracoastal Waterway and the Point of Beginning; run thence South 42 degrees-10'-03" West along said South right-of-way for 718.30 feet; run thence South 88 degrees-42'-52" West along said South right-of-way for 1477.76 feet; run thence South 00 degrees-01'-31" West for 1870.72 feet; run thence South 16 degrees-36'-43" West for 2267.29 feet; run thence South 30 degrees-01'-59" West for 2714.70 feet; run thence South 36 degrees-07'-25" East for 5,000 feet, more or less, to the margin of the Gulf of Mexico; run thence in a Northeasterly direction along the margin of the Gulf of Mexico to a point of intersection with a line that is 1100 feet East and parallel to the West line of Fractional Lot A of Section 14, Township 9 South, Range 4 East, St. Stephens Meridian, Baldwin County, Alabama; run thence in a Northerly direction along said line to the South line of the NW1/4 of the SE1/4 of Section 14, Township 9 South, Range 4 East; run thence in a Easterly direction along the said South line to the Southeast corner of said NW1/4 of the SE1/4; run thence in a Northerly direction along the East line of said NW1/4 of the SE1/4 to the Northeast corner of said NW1/4 of the

SE1/4; run thence in an Easterly direction along the South line of the SE1/4 of the NE1/4 of Section 14 and the South line of the SW1/4 of the NW1/4 of Section 13, Township 9 South, Range 4 East to the Southeast corner of said SW1/4 of the NW1/4; run thence in a Northerly direction along the East line of said SW1/4 of the NW1/4 to the Southwest corner of the North 1/2 of the SE1/4 of the NW1/4 of said Section 13; run thence in an Easterly direction along the South line of the North 1/2 of the SE1/4 of the NW1/4 to a point that is 300 feet west of the Southeast corner of said North 1/2 of the SE1/4 of the NW1/4; run thence in a Northerly direction and parallel to the East line of the NW1/4 of said Section 13 and the East line of the SW1/4 of Section 12, Township 9 South, Range 4 East to the North line of said SW1/4 of Section 12; run thence in a Westerly direction along the said North line of the SW1/4 of Section 12 to the Northwest corner of said SW1/4 of Section 12; run thence in a Southerly direction along the West line of said SW1/4 of Section 12 to the Northeast corner of the SE1/4 of the SE1/4 of Section 11, Township 9 South, Range 4 East; run thence in a Westerly direction along the North line of said SE1/4 of the SE1/4 of Section 11 to the Northwest corner of said SE1/4 of the SE1/4; run thence in a Southerly direction along the West line of said SE1/4 of the SE1/4 of Section 11 to the Northeast corner of the South 1/2 of the SW1/4 of the SE1/4 of Section 11; run thence in a Westerly direction along the North line of the said South 1/2 of the SW1/4 of the SE1/4 of Section 11 to the Northwest corner of said South 1/2 of the SW1/4 of the SE1/4 of Section 11; run thence in a Southerly direction along the West line of said South 1/2 of the SW1/4 of the SE1/4 of Section 11 to the Northeast corner of the NW1/4 of Section 14, Township 9 South, Range 4 East; run thence in a Westerly direction along the North line of the said NW1/4 of Section 14 to the Southeast corner of Section 10, Township 9 South, Range 4 East; run thence in a Northerly direction along the East line of said Section 10 to the Point of Beginning. Said land being in Sections 10, 11, 12, 13, 14, 15, 22, and 23, Township 9 South, Range 4 East, Baldwin County, Alabama.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:20 P.M.

Act No. 91-180

H. 384 — Rep. White

AN ACT

Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to subsection (f) of Amendment No. 373 of the Constitution of Alabama 1901, and a resolution heretofore adopted by the county commission of Escambia County after a public hearing, the county commission is hereby authorized to levy, in addition to any and all other taxes heretofore levied, an additional ad valorem tax in the amount of 12 mills on each dollar of taxable property in the county. The revenues from said tax shall be distributed according to the minimum program funding formula between the Escambia County Board of Education and the City of Brewton Board of Education.

Section 2. The increase in the rate of said tax as provided herein is subject to the approval of a majority of the qualified electors who vote on the proposed increase at a special election called and held for such purposes not later than September 30, 1991.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:22 P.M.

Act No. 91-181

H. 446 — Rep. Millican

AN ACT

Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and associate commissioners of the Marion County Commission shall each be entitled to receive an expense allowance of \$415.00 per month. Said expense allowances shall be paid out of the county road and bridge fund and shall be in addition to any other allowances or compensation now provided by law.

Section 2. The expense allowances provided for herein shall be retroactive to May 1, 1990.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:23 P.M.

Act No. 91-182

H. 61 — Rep. White

AN ACT

Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Escambia County are hereby entitled to and shall each receive any increase in compensation as provided for in Section 40-6A-2, Code of Alabama 1975, without further approval of the governing body of Escambia County. The increases herein provided shall be in addition to the compensation currently provided for said officials pursuant to Act No. 81-1168, H. 95, Regular Session 1981 (Acts 1981, p. 452) and Act No. 83-424, S. 292, Regular Session 1983 (Acts 1983, p. 604).

Section 2. Beginning October 1, 1991, the sheriff of Escambia County shall receive an additional expense allowance in the same monthly amount as is provided to the tax assessor and tax collector in Section 1 of this act without further approval of the county governing body. Upon the expiration of the current term of office of the sheriff, the said additional expense allowance shall be terminated and the monthly amount previously paid as an expense allowance shall, upon the new term of office of sheriff, be paid as additional compensation, without further approval of the county governing body.

Section 3. The provisions of this act shall become effective October 1, 1991.

Approved June 27, 1991

Time: 3:24 P.M.

Act No. 91-183

H. 139 — Rep. Richardson

AN ACT

Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

Be It Enacted by the Legislature of Alabama:

Section 1. In Jackson County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be an amount established by the county commission not to exceed \$10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under section 1 of this act shall be deposited by the sheriff of Jackson County in any bank located in Jackson County selected by the sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in Section 2 of this act shall be drawn upon by the sheriff of Jackson County or his appointed agent and shall be exclusively for law enforcement purposes in the public's interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507), is repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:25 P.M.

Act No. 91-184

H. 349 — Reps. Carns, Sanderson

AN ACT

To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

(a) "Amendment No. 316" means that certain amendment to the Constitution that was proposed by Act No. 509 enacted at the 1971 Regular Session of the Legislature of Alabama.

(b) "Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

(c) "Commission" means Jefferson County Commission or other governing body of the county.

(d) "Constitution" means the Constitution of Alabama of 1901.

(e) "County" means Jefferson County, Alabama.

(f) "Special School District Tax" means the special ad valorem tax for public school purposes that is authorized in Amendment No. 316 to be levied and collected on taxable property in the Special School Tax District.

(g) "Special School Tax District" means the special school tax district in the county subject to the jurisdiction and control of the

board of education of the city of Mountain Brook, which consists of all the area lying within the corporate limits of the city of Mountain Brook, Alabama, as such school tax district now exists or as it may be hereafter formed.

Section 2. The county is presently authorized to levy and collect the Special School District Tax at a rate of \$.85 on each one hundred dollars (8.5 mills on each dollar) of assessed value pursuant to Amendment No. 316 and proceedings heretofore taken by the county commission under Amendment No. 373. Pursuant to a resolution adopted by the county commission in accordance with the provisions of Amendment No. 373, the county proposes to increase the rate at which the county is authorized to levy and collect the Special School District Tax to a maximum rate, for any tax year, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution heretofore adopted by the county commission after a public hearing, the county commission is hereby authorized to increase the rate at which the county is authorized to levy and collect the Special School District Tax to a maximum rate, for any tax year, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

Section 4. The increase in the rate at which the Special School District Tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in the Special School Tax District who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:26 P.M.

Act No. 91-185

H. 588 — Rep. Warren

AN ACT

Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

Be It Enacted by the Legislature of Alabama:

Section 1. In Monroe County, effective immediately, the sheriff is hereby entitled to receive an expense allowance in the amount of ten thousand dollars (\$10,000.00) per annum. Said expense allowance shall be in addition to any and all other compensation heretofore provided by law and shall be payable from the county general fund.

Section 2. The expense allowance provided for by this act shall be paid each month from the treasury of Monroe County, in the same manner as county employees are paid. The sheriff receiving this expense allowance shall not be required to file an accounting thereof.

Section 3. Effective with the beginning of the next term of office, the sheriff is hereby entitled to receive an additional county salary in the amount of ten thousand dollars (\$10,000.00) per annum and the provisions of Section 1 of this act, at that time, shall become null and void. Said county compensation shall be paid out of the general fund of Monroe County in the same manner as other county employees.

Section 4. If there should be enacted a statewide law providing for an increase in the sheriff's salary which, when added to the increase provided for under this act shall exceed \$10,000.00, then the amount of the salary increase provided for under this act shall decrease by the amount in excess of \$10,000.00.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:27 P.M.

Act No. 91-186

H. 493 — Rep. Black (L)

AN ACT

Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation heretofore provided by law for the poll workers in Sumter County, each poll worker shall be entitled to a \$15.00 per meeting day increase in such compensation with such increase to be paid in the usual manner from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1991

Time: 3:28 P.M.

Act No. 91-187

H. 366 — Rep. Petelos

AN ACT

To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator **and the rights of such operator to conduct its business under the supervision of the commission**; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon, including limitations on the right of an operator licensed to conduct greyhound racing to advertise in certain counties from which patrons of existing greyhound racing facilities are drawn; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions

of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for the appointment of judges for greyhound racing and stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted at locations outside the state may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations outside the state; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to locations outside the state and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at the other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; to repeal the provisions of said Chapter 65 that exempt any racing commission organized thereunder from the jurisdiction of any state racing commission that might be established pursuant to any law enacted after this act; to provide that the provisions of said Chapter 65, as modified by this act, shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Declarations and Findings. Section 11-65-1, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-1. Legislative declarations and findings.

The legislature hereby finds and declares as follows:

(a) As the basis for enacting Act No. 84-131, the legislature found and determined that the conduct within Class 1 municipalities

in the state of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the state and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the state; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of said Act No. 84-131.

(b) In the course of enacting Act No. 84-131, the legislature added a requirement that horse racing and pari-mutuel wagering thereon in any Class 1 municipality (the "sponsoring municipality") must be authorized by an election conducted in such municipality and in the county or counties in which such municipality, or any part thereof, is located and that in such election the authorization of horse racing and pari-mutuel wagering thereon must be approved by both (i) a majority of all the voters casting votes in such election and (ii) a majority of the voters casting votes in such election who reside in the sponsoring municipality. Act No. 84-131 provided that the county in which any sponsoring municipality is located would be the "host county", and in the event that a sponsoring municipality is located in more than one county, the host county would be the county in which the largest number of residents of the sponsoring municipality reside. At the time of the enactment of Act No. 84-131, the City of Birmingham was the only Class 1 municipality in the state and, as of the date of these legislative findings, it continues to be the only Class 1 municipality in the state.

(c) As the result of a favorable election held in the City of Birmingham and Jefferson County in 1984, The Birmingham Racing Commission was incorporated in that year pursuant to Act No. 84-131 for the City of Birmingham. At the time of such election, the City of Birmingham was located solely within the boundaries of Jefferson County, and the authorizing election for horse racing and pari-mutuel wagering thereon was held only in Jefferson County. Subsequent to such election and the incorporation of The Birmingham Racing Commission, the City of Birmingham annexed territory located in a county other than Jefferson County, but no election has ever been held in such county authorizing The Birmingham Racing Commission to license and regulate horse racing and pari-mutuel wagering thereon in that

part of the City of Birmingham located in such county, and no provision was made in Act No. 84-131 for holding such an election after the incorporation of The Birmingham Racing Commission. As a consequence of these circumstances, horse racing and pari-mutuel wagering thereon is legal only for that part of the City of Birmingham located in Jefferson County, which is the host county of the city for purposes of Act No. 84-131 because, among the counties in which any part of the city is located, it is the county in which the largest number of the residents of the city reside, as determined by the most recent federal decennial census. Although this chapter and amendments thereto constitute general laws applicable to Class 1 municipalities, as of the date of these legislative findings, this chapter applies only to the City of Birmingham, as the sole Class 1 municipality, and notice of the intention to apply for the enactment of this chapter or amendments thereto must be published in accordance with section 106 of the Constitution of Alabama, as amended, in the county or counties where the matter or thing to be affected may be situated. As of the date of these legislative findings, the matters or things to be affected by this chapter, as amended, are horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon under the jurisdiction of The Birmingham Racing Commission, which activities, and the elections to authorize the same, shall be confined to the single host county of the Class 1 municipality to which this chapter applies. As of the date of these legislative findings, said host county is the only county in which notice of the intention to apply for enactment of amendments to this chapter is required to be published in accordance with section 106 of the Constitution of Alabama.

(d) Pursuant to Act No. 84-131, The Birmingham Racing Commission issued an owner's license for the ownership of a horse racing facility located in both the City of Birmingham and Jefferson County, and an operator's license to conduct horse racing and pari-mutuel wagering thereon at such racing facility. The holders of such licenses, together with related business entities, made a capital investment of more than \$60,000,000 in order to provide a facility for horse racing, and the City of Birmingham and other local governmental entities additionally expended more than \$10,000,000 to provide roads, sewers and other public improvements necessary for the use of such facility.

(e) Although Act No. 84-131, as initially enacted, provided that a commission could grant an owner's or operator's license for horse racing only to an entity which was entirely owned, either directly or indirectly, by natural persons who had been residents of the state for a period of five years next preceding the date of application for

such licenses, the legislature in 1987, the first year that horse racing was conducted under licenses from The Birmingham Racing Commission, enacted Act No. 87-615 to liberalize the Alabama residence requirements and thereby permit the horse racing licensees to obtain additional investment capital from out-of-state sources. The economic failure of horse racing in the City of Birmingham, together with the consequent need of the horse racing licensees for additional capital, became readily apparent soon after the commencement of horse racing. The enactment of Act No. 87-615 constituted a remedial response of the legislature to that problem.

(f) The horse racing licensees of The Birmingham Racing Commission were unsuccessful in their efforts to obtain additional financing in the needed amount, and, after reporting operating losses of more than \$16,000,000 in 1987, these licensees were unable to continue horse racing in 1988. On August 29, 1988, the horse racing licensees filed petitions for relief under the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Alabama (the "bankruptcy court"), which court, as of the date of these legislative findings, retains jurisdiction over their affairs.

(g) Despite the effort of The Birmingham Racing Commission to revoke the operator's license for horse racing originally granted by that commission, the bankruptcy court has determined such license to be property of the bankruptcy estate of the horse racing licensees and has enjoined the revocation of such license. In 1989, the bankruptcy court approved a plan of reorganization which provided for the management of the Birmingham racing facility by a company having national experience in the management of pari-mutuel racing facilities and for the funding by such company of operating expenses necessary to conduct horse racing. As part of the plan of such reorganization and pursuant to order by the bankruptcy court, The Birmingham Racing Commission permitted such company to conduct horse racing through an arrangement making use of the original horse racing licenses granted by the commission. Horse racing was conducted in Birmingham during 1989 and 1990 pursuant to the aforesaid plan of reorganization, but the management company has reported that its efforts to continue horse racing under that plan have resulted in losses of more than \$6,500,000. As a consequence of such losses and the demonstrated lack of financial viability for horse racing in Birmingham, said management company has declined to make additional payments under the plan of reorganization, thereby allowing the banks that hold the first mortgage on the racing facility to foreclose such mortgage and to terminate further operation under the plan of reorganization.

(h) As a consequence of the original plan of reorganization being no longer viable, the horse racing licensees of The Birmingham Racing Commission have filed with the bankruptcy court, and the bankruptcy court has confirmed, a modified plan of reorganization which is based on the premise that horse racing alone cannot be conducted with economic success at the Birmingham racing facility and that the relatively lower operating costs of greyhound racing, together with the greater interest of the public in pari-mutuel wagering on greyhound racing, will enable the Birmingham racing facility to be reopened and successfully operated as a greyhound racing facility. The implementation of the modified plan is subject to the condition, among others, that all actions will be successfully completed that are necessary for greyhound racing and pari-mutuel wagering thereon to become lawful under the jurisdiction of The Birmingham Racing Commission, including (i) the enactment into law of authorizing legislation and (ii) the approval of greyhound racing and pari-mutuel wagering thereon by the voters in any referendum required by such legislation. In anticipation of legislative authorization to license and regulate greyhound racing and as a consequence of the outstanding horse racing licenses being subject to the jurisdiction of the bankruptcy court, The Birmingham Racing Commission has entered into an agreement with the participants in the modified plan of reorganization to issue licenses for both horse racing and greyhound racing to the company which, under the modified plan of reorganization, will have the right to conduct both horse racing and greyhound racing and pari-mutuel wagering thereon at the Birmingham racing facility, subject, however, to the conditions that (i) the award to such company of a license to conduct greyhound racing and pari-mutuel wagering thereon shall comply with all conditions prescribed by the authorizing legislation and (ii) the agreement to award such license shall be enforceable only if and to the extent that the legislature, in the authorizing legislation, shall have retroactively authorized The Birmingham Racing Commission to enter into such agreement.

(i) Gambling in general and the promotion thereof are prohibited in the state by provisions of the Alabama Criminal Code, Article 2, Chapter 12, Title 13A, Code of Alabama 1975, but the legislature has reserved in Section 13A-12-31 the right to enact local statutes, or general statutes applying to one or more municipalities in a class less than the whole of the state, that exempt pari-mutuel wagering at race meetings from the general prohibition of the Alabama Criminal Code. Pursuant to such localized legislative authority, the legislature has for the last 20 years pursued a policy of enacting legislation to authorize greyhound racing and pari-mutuel wagering thereon only in (i) an area with substantial

tourist appeal (Mobile County) where greyhound racing was available nearby as a competing attraction in another state and (ii) poor rural counties with high unemployment where greyhound racing would provide economic stimulus and needed tax revenues. Moreover, recognizing that pari-mutuel wagering at race meetings is a regulated business which can succeed financially and recover the substantial capital investment required therefor only if protected from geographically proximate competition, the legislature has heretofore enacted legislation authorizing pari-mutuel wagering at facilities located only in widely separated areas of the state.

(j) The legislature has heretofore authorized horse racing and pari-mutuel wagering thereon only in a Class 1 municipality because the size and cost of horse racing facilities, the magnitude of public attendance required for the successful operation of such facilities, and the scope of public improvements and accommodations necessary to serve such facilities could best be provided by a Class 1 municipality and its surrounding area. The legislature has heretofore been reluctant to authorize greyhound racing and pari-mutuel wagering thereon for Class 1 municipalities because it was believed that such activities would produce relatively greater economic benefit if reserved for other areas of the state that needed the particular kind of economic stimulus provided thereby.

(k) On the basis of the experience of The Birmingham Racing Commission and its horse racing licensees with the continuing economic failure of horse racing, the legislature now finds and determines that greyhound racing and pari-mutuel wagering thereon, as a separate activity or in conjunction with horse racing and pari-mutuel wagering thereon at the same racing facilities, must be made available to Class 1 municipalities if the economic objectives and public purposes of Act No. 84-131, as stated in the original legislative declarations and findings therefor, are to be realized. There is ample evidence and experience to support the conclusion that the lower purse structure and other operating costs of greyhound racing, the opportunity to schedule more racing events during a daily performance, and the greater interest and participation of that portion of the general public inclined to engage in pari-mutuel wagering, together with other differences related to the nature and amount of wagering, will promise greater economic success for greyhound racing in Class 1 municipalities than the City of Birmingham has heretofore been able to achieve with horse racing alone.

(l) It is therefore necessary and desirable, and in the best interest of the state and the people resident in Class 1 municipalities and the host county of each thereof, that commissions

organized under this chapter be given the additional power to license and regulate greyhound racing and pari-mutuel wagering thereon for the purpose of enabling The Birmingham Racing Commission to participate fully in the implementation of the modified plan of reorganization that is pending before the bankruptcy court as of the date of these legislative findings and for the further purpose of enabling the City of Birmingham and any other Class 1 municipality to succeed in future efforts to stimulate economic development and generate additional public revenues through pari-mutuel wagering on greyhound racing or horse racing or both. In view of the contribution made by existing greyhound racing operations to the economic well-being of Greene County and Macon County and the importance of these operations as a source of employment for the people of these counties as well as tax revenues for the support of education and other vital public functions, the legislature deems it desirable to protect the continued viability of greyhound racing in these counties by permitting greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities only on the condition that an operator's license for greyhound racing issued pursuant to this chapter shall restrict advertising by such operator in certain counties from which patrons of the existing greyhound racing operations in Greene County and Macon County are drawn.

(m) It is further necessary and desirable to modify certain provisions of this chapter to assure that both horse racing and greyhound racing, together with pari-mutuel wagering on such activities, shall be licensed, conducted and regulated in a manner that will not allow communication and other technological changes, together with market developments in the pari-mutuel wagering industry, to be implemented beyond the specific intentions of this chapter, as amended, without additional legislative authorization. In particular, it is important for this chapter, as amended, to provide in express terms, and to be strictly construed as so providing, that so-called "off track betting" or wagering of any kind on any racing event conducted at a racing facility licensed under this chapter, or televised to such racing facility from any other location, shall not be permitted at any location in the state other than a racing facility with a track for conducting live horse racing or greyhound racing that is licensed under the provisions of this chapter. It is further important that the exemption of racing commissions organized under this chapter from the jurisdiction of a state racing commission, as originally provided in this chapter, be repealed in order that the state may have the opportunity to consider and enact legislation that might bring the licensing and regulation of horse racing or greyhound racing and pari-mutuel wagering thereon under the jurisdiction of a state racing commission.

(n) It is further necessary and desirable (i) to permit the qualified voters of the host county of any Class 1 municipality and the qualified voters of such municipality who reside in the host county to determine by an election whether a commission shall be incorporated for such municipality and whether pari-mutuel wagering on horse racing or greyhound racing or both shall be authorized in such municipality, and (ii) in the case of any Class 1 municipality for which the incorporation of a commission and pari-mutuel wagering on either horse racing or greyhound racing, but not both, has been previously approved by an election of the qualified voters of such municipality and the host county, to permit such voters to determine whether the additional activity of pari-mutuel wagering on horse racing or greyhound racing, as the case may be, shall be authorized in that part of such municipality located in the host county."

Section 2. Definitions. Section 11-65-2, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-2. Definitions.

(a) The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings:

(1) **ALABAMA-BRED.** When this term is used with reference to a horse, it means a horse which is registered in the registry designated and administered by a commission in accordance with such rules concerning domicile and registration requirements as may be established by such commission and which is either (i) foaled from a mare domiciled in the state during the ten-year period beginning with January 1, 1991, or (ii) sired by an Alabama stallion and foaled from a mare domiciled in the state at any time after the expiration of such ten-year period.

(2) **ALABAMA STALLION.** A stallion which is standing in the state at the time he is bred to the dam of an Alabama-bred horse, which is registered with a commission, and which is owned or leased by a resident of the state. For purposes of this definition, the commission with which any Alabama stallion may be registered shall have the power to prescribe rules and regulations governing the qualifications of residence in the state for the owner or lessor of such stallion and the manner by which such qualifications shall be confirmed to the commission.

(3) **BREAKAGE.** The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10 cents.

(4) **BREEDER.** The owner of a mare at the time such mare gives birth to an Alabama-bred foal.

(5) **BREEDING FUND.** A special fund established by a commission pursuant to the provisions of section 11-65-34 and any applicable rules and regulations of such commission for the purpose of promoting the breeding, raising and racing of horses in the state.

(6) **BREEDING FUND FEE.** A fee payable to a commission by a horse racing operator pursuant to section 11-65-34 for deposit into the breeding fund established by such commission.

(7) **COMMISSION.** Any public corporation organized pursuant to the provisions of this chapter.

(8) **COMMISSION GREYHOUND WAGERING FEE.** The license fee payable to a commission by a greyhound racing operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-30.

(9) **COMMISSION HORSE WAGERING FEE.** The license fee payable to a commission by a horse racing operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-30.

(10) **COMMISSION MUNICIPAL JURISDICTION.** The territory of a sponsoring municipality that is located within the boundaries of the host county.

(11) **DISQUALIFIED PERSON.** Any of the following shall constitute disqualified persons:

a. Any person who has ever been found guilty in a court of competent jurisdiction of any corrupt or fraudulent act, practice or conduct in connection with horse or dog racing or any activity involving legal gambling in any state of the United States of America or any other country, or any person who has ever had a license or permit to participate in horse or dog racing or in any activity involving legal gambling denied for just cause, suspended or revoked in any state of the United States of America or in any other country; or

b. Any person who has ever been found guilty in a court of competent jurisdiction of a felony involving moral turpitude, or who has ever been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct; or

c. Any person who has ever been indicted by three separate grand juries for any felony or misdemeanor involving moral turpitude, even though such indictments did not result in a conviction; or

d. Any person who has ever been made a principal subject, either singly or in conjunction with others, of investigations by either federal or state law enforcement agencies into activities that violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime, provided that no person shall be deemed to be a disqualified person because of any such investigations unless they have involved at least three geographically distinct or factually different instances of illegal conduct, or unless they provide convincing grounds, based upon the seriousness and number of alleged offenses, for believing that the person in question has been actively and systematically involved in organized crime and racketeering with one or more persons previously indicted for or convicted of crimes involving moral turpitude; or

e. Any person if a commission determines that, for any reason, it is not in the best interests of the people of the state, the host county or the sponsoring municipality for such person to own an interest in a horse racing facility licensee or an operator, or any person if the circuit court of the host county determines, pursuant to a proceeding instituted by the district attorney of the host county under the provisions of section 11-65-22, that, for any reason, it is not in the best interests of the people of the state, the host county or the sponsoring municipality for such person to own an interest in a horse racing facility licensee or an operator, provided that any such determination, whether made by the commission or the circuit court, is made pursuant to a hearing of the commission or circuit court, as the case may be, of which such person has notice and an opportunity to be heard; or

f. Any person who owns, directly or indirectly, or holds five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or

2. The capital interest or the profits interest of a partnership, or

3. The beneficial interest of a trust, estate or other unincorporated entity, if such corporation, partnership, trust, estate or unincorporated entity, as the case may be, is a person described in any of the foregoing subparagraphs a through e, inclusive; or

g. The brother or sister, niece or nephew, spouse, ancestor, lineal descendent, or any spouse or former spouse of any person described in the foregoing subparagraphs a through f, inclusive; or

h. A corporation, partnership, trust, estate or other unincorporated entity of which (or in which) five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation, or

2. The capital interest or profits interest of such partnership, or

3. The beneficial interest of such trust, estate or other unincorporated entity is owned, directly or indirectly, or held by one or more persons described in any of the foregoing subparagraphs a through g, inclusive; or

i. Any person who owns, directly or indirectly, or holds five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of any corporation that is described in any of the foregoing subparagraphs a through h, inclusive, or

2. The capital interest or profits interest of any partnership that is described in any of the foregoing subparagraphs a through h, inclusive, or

3. The beneficial interest of any trust, estate or other unincorporated entity that is described in any of the foregoing subparagraphs a through h, inclusive; or

j. An officer or director (or an individual having powers or responsibilities similar to those of officers or directors), a general or managing partner, an individual acting as executor, administrator or trustee, or a highly compensated employee, professional advisor or consultant (in any case earning five percent or more of the aggregate yearly wages or other compensation paid by an employer for professional services), of any person described in any of the foregoing subparagraphs a through i, inclusive; or

k. Any person who owns, directly or indirectly, or holds an interest of five percent or more of the capital or profits in any partnership or joint venture of which any person described in any of the foregoing subparagraphs a through j, inclusive, also has an interest of five percent or more of the capital or profits in such partnership or joint venture.

For purposes of subparagraphs f1, h1 and i1, the ownership of stock, membership interests and voting power or rights shall be determined in accordance with the rules for constructive ownership of stock under section 267(c) of the Internal Revenue Code of 1986, as amended from time to time and successor provisions thereof, except that, for purposes of this paragraph, section 267(c)(4) of the Internal Revenue Code of 1986 shall be treated as providing that the members of the family of an individual are the members listed in subparagraph g.

For purposes of subparagraphs f2 and f3, h2 and h3, and i2 and i3 and k the ownership of profits or beneficial interest shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the Internal Revenue Code of 1986, as amended from time to time and successor provisions thereof (other than section 7(c)(3)), except that section 267(c)(4) shall be treated as providing that the members of the family of an individual are the members listed in subparagraph g.

No person shall be deemed to be a disqualified person hereunder unless he is given notice of the determination that he is a disqualified person, together with the reasons therefor, and, upon request filed within ten days of such notice, is granted a hearing before the commission or the circuit court making such determination, is permitted to examine the evidence upon which such determination is based, is permitted to cross-examine any witnesses relied upon in such determination, and is permitted to testify in his own behalf and to present witnesses and other evidence on his behalf in public or closed session, as may be requested by such person. Any determination by a commission shall be subject to appeal as provided in section 11-65-12 on the record of such hearing.

(12) **GREYHOUND RACING HANDLE.** When used with reference to any specified period of time, this term means the total amount of all wagers received by a greyhound racing operator for all pari-mutuel pools originated during such period of time with respect to wagering on greyhound racing at the location where such operator is licensed by the commission to conduct greyhound racing (including wagering on greyhound racing events televised to such licensed location from elsewhere).

(13) **GREYHOUND RACING OPERATOR.** Any corporation, partnership or other business entity licensed by a commission to conduct greyhound racing and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

(14) **HORSE RACING FACILITY LICENSE.** A license issued by a commission to own or lease a horse racing facility, or to have and enjoy the use thereof, which is recognized by the commission

as effective with respect to a horse racing facility licensee, whether as the result of the original issuance of such license to the licensee, the assignment to the licensee of such license or all or part of any interest therein, or any other legal arrangement providing for the use and enjoyment of such license by the licensee.

(15) **HORSE RACING FACILITY LICENSEE.** Any person which, through direct issuance by a commission or other legal arrangements accepted or sanctioned by the commission, possesses a horse racing facility license for its use and benefit.

(16) **HORSE RACING HANDLE.** When used with reference to any specified period of time, this term means the total amount of all wagers received by a horse racing operator for all pari-mutuel pools originated during such period of time with respect to wagering on horse racing at the location where such operator is licensed by the commission to conduct horse racing (including wagering on horse racing events televised to such licensed location from elsewhere).

(17) **HORSE RACING OPERATOR.** Any corporation, partnership or other business entity licensed by a commission to conduct horse racing and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

(18) **HOST COUNTY.** Any county in which a sponsoring municipality is located. With respect to a sponsoring municipality located in more than one county, this term means the county in which a majority of the residents of the sponsoring municipality reside, as determined by the most recent federal decennial census.

(19) **HOST COUNTY HOUSE DELEGATION.** With respect to a host county, the members of the house of representatives of the legislature of Alabama from those representative districts in which all or a majority of the residents of such district reside in the host county, as determined by the most recent federal decennial census.

(20) **HOST COUNTY SENATE DELEGATION.** With respect to a host county, the members of the senate of the legislature of Alabama from those senatorial districts in which all or a majority of the residents of such district reside in the host county, as determined by the most recent federal decennial census.

(21) **MEMBER.** A member of a commission.

(22) **NET COMMISSION REVENUES.** All fees (other than breeding fund fees), commissions and other moneys received by a commission and remaining after the payment of all expenses incurred in the administration of this chapter. This term does not

include any state horse wagering fees or state dog racing privilege taxes, which are required to be paid directly to the state by the operator liable therefor.

(23) OPERATOR. As may in the context be appropriate, this term means a horse racing operator or a greyhound racing operator.

(24) PERSON. Any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

(25) RACING DAY. Whether used with reference to horse racing or greyhound racing, this term means a period which begins at 8:00 o'clock, A.M. on any calendar day (including Saturdays) except any Sunday, Thanksgiving Day or Christmas Day and which continues until 2:00 o'clock, A.M. on the next succeeding calendar day.

(26) RACING FACILITY or RACETRACK FACILITY. When used with respect to any facility located in the state, these terms, and any similar thereto, mean a racetrack at which live horse racing or greyhound racing can be conducted for direct viewing by spectators, together with the viewing stands, pari-mutuel wagering facilities, restaurants, and other physical facilities and improvements that together constitute such racing facility or race-track facility. Under no circumstances shall the terms racing facility or racetrack facility, or any similar thereto, be construed to refer to any public or private place of assembly or accommodation of any kind (other than a racetrack facility where live horse racing or greyhound racing can be conducted) where so-called "off-track betting" could be conducted.

(27) SPONSORING MUNICIPALITY. Any municipality for which a commission shall be created in accordance with the provisions of this chapter.

(28) STALLION OWNER. The owner of a stallion standing in the state at the time he was bred to the dam of an Alabama-bred horse.

(29) STATE. The state of Alabama.

(30) STATE DOG RACING PRIVILEGE TAX. The privilege tax levied by the state pursuant to Chapter 26A, Title 40, Code of Alabama 1975, on every person engaged in the business of operating a dog racing track.

(31) STATE RACING COMMISSION. Any department, agency or instrumentality of the state, whether or not constituting a

corporate entity separate from the state, that may at any time, whether before or after April 5, 1984, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon.

(32) **STATE HORSE WAGERING FEE.** The license fee payable to the state by a horse racing operator, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-29 hereof.

(b) The words "herein," "hereby," "hereunder," "hereof" and other equivalent words refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders."

Section 3. Creation of Racing Commission by Class 1 Municipality; Status of Commission; Jurisdiction of State Ethics Commission. Section 11-65-3, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-3. Class 1 municipality authorized to create racing commission; status of commission; powers and duties generally; disposition of fees; jurisdiction of state ethics commission.

A commission is authorized to be created in accordance with the provisions of this chapter for each Class 1 municipality, as Class 1 municipality is defined in section 11-40-12 or any successor provision of law. Any commission created for any sponsoring municipality pursuant to the provisions of this chapter shall be named "The _____ (the name of the sponsoring municipality shall be inserted in the blank) Racing Commission" and shall be a public corporation having a legal existence separate and apart from the state and any county, municipality or political subdivision thereof. A commission shall be vested with the powers and duties specified in this chapter and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this chapter. Anything contained in this chapter to the contrary notwithstanding, no commission shall have any legal authority to license and regulate any racing and wagering activity at facilities located in any part of the sponsoring municipality outside the host county or in any part of the host county outside the sponsoring municipality. Any commission that was authorized by an election held in the sponsoring municipality and the host county prior to April 16, 1991, pursuant to then effective provisions of this chapter

and that was validly incorporated pursuant to such authorization shall continue in existence with full powers under this chapter, and the members of such commission shall continue in office for the current terms for which they were respectively appointed or serve ex officio, without further action being required under the provisions of this chapter, as amended subsequently to the date of the incorporation of such commission or the respective beginning dates of such members' current terms of office.

Notwithstanding any provisions hereof which connect the state with the creation and control of a commission, any commission incorporated pursuant to the provisions of this chapter shall not be deemed to be part of the state for any purpose, but shall be treated as a public corporation and body politic separate and apart from the state. Except for the state horse wagering fee and the state dog racing privilege tax, all taxes, fees, commissions and other moneys which a commission shall be authorized by this chapter to charge, levy or receive or which shall be levied upon or charged for the privilege of conducting horse racing, greyhound racing or pari-mutuel wagering thereon shall be deemed to be moneys belonging exclusively to such commission, and no allocation or payment of such moneys authorized or mandated by this chapter shall be considered to be an appropriation of moneys belonging to or controlled by the state, the host county or the sponsoring municipality.

Notwithstanding any provisions hereof which connect a commission with its sponsoring municipality, the host county or any other county or municipality [including, without limitation thereto, the provisions of section 11-65-4 hereof regarding an election in the host county and the part of the sponsoring municipality located therein to approve the incorporation of a commission and the provisions of section 11-65-5 hereof providing for (1) the mayor or other chief executive officer of the sponsoring municipality to serve ex officio as one member of a commission or, in lieu of such ex officio service, to appoint a member of such commission and (2) the president or other designated presiding officer of the county commission of the host county to serve ex officio as one member of a commission or, in lieu of such ex officio service, to appoint a member of such commission], any commission incorporated pursuant to the provisions of this chapter shall not be deemed to be a local agency or instrumentality of the sponsoring municipality or the host county, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the sponsoring municipality and the host county.

Any racing commission incorporated pursuant to the provisions of this chapter shall be subject to the jurisdiction of the state

ethics commission and to the provisions of Chapter 25, Title 36, Code of Alabama 1975, and the members of such racing commission shall be deemed public officials subject to the provisions of said Chapter 25. Any officer or employee of a racing commission shall be deemed a public employee for purposes of said Chapter 25 as and to the extent provided in said Chapter 25."

Section 4. Elections Required to Approve Incorporation of Commission and Conduct of Racing and Pari-Mutuel Wagering Thereon. Section 11-65-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-4. Elections required to approve incorporation of commission and conduct of racing and pari-mutuel wagering thereon.

(a) No commission shall be incorporated for a Class 1 municipality and no horse racing or greyhound racing or pari-mutuel wagering thereon shall be permitted in such municipality pursuant to this chapter unless the incorporation of such commission, together with the conduct of horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both such activities, shall have been authorized by an election held in the host county in which such incorporation and such racing and wagering activities shall have been approved by both (i) a majority of the votes cast in such election by voters who reside in the host county (including those voters who reside in the sponsoring municipality) and (ii) a majority of the votes cast in such election by voters who reside in the commission municipal jurisdiction. In order to authorize the holding of the required election in the host county, the governing body of any Class 1 municipality desiring to be the sponsoring municipality of a commission may adopt an ordinance or resolution requesting the county commission of the host county to call an election to be held in the host county on the question of incorporating a commission, and in such ordinance or resolution the governing body of the sponsoring municipality shall determine the date of such election, which shall not be less than 45 days nor more than 90 days after the date of the adoption of such ordinance or resolution, and shall further determine which of the following alternatives shall be authorized in the commission municipal jurisdiction by such election: (i) horse racing and pari-mutuel wagering thereon; (2) greyhound racing and pari-mutuel wagering thereon; or (3) both horse racing and greyhound racing with pari-mutuel wagering on both racing activities. Depending on the alternative selected by the governing body of the sponsoring municipality, the question to be presented to the voters shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the creation of a racing commission for the City of _____ [insert the name of the sponsoring

municipality] and the authorization of [insert here one of the following alternatives selected by the governing body of the sponsoring municipality in the ordinance or resolution calling the election]

“horse racing and pari-mutuel wagering thereon”

or

“greyhound racing and pari-mutuel wagering thereon”

or

“both horse racing and greyhound racing, with pari-mutuel wagering on both such racing activities,” in that part of said city located in _____ [insert the name of the host county], as provided in Chapter 65, Title 11, Code of Alabama 1975?”

Yes _____

No _____

The sponsoring municipality shall promptly furnish a certified copy of the ordinance or resolution calling such election to the county commission of the host county, whereupon such county commission shall be required to call an election in the host county to be held on the question and on the date specified in such ordinance or resolution. The election so called shall be held only among the qualified voters of the host county, and no voters of the sponsoring municipality who reside in counties other than the host county shall be permitted to vote in such election. If the majority of the votes cast in such election are “Yes”, and if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are “Yes”, then this chapter shall become operative with respect to such municipality, a commission may be incorporated therefor, and the racing and wagering activities authorized by such election shall be legal in the commission municipal jurisdiction, as and to the extent conducted in accordance with the provisions of this chapter, but such activities shall continue to be illegal in those parts of the sponsoring municipality outside such jurisdiction. If the majority of the votes cast in such election are “No”, or if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are “No”, then this chapter shall have no further effect with respect to such municipality, unless the governing body thereof should later request the county commission of the host county to call another election subject to the provisions of subsection (d) of this section 11-65-4.

(b) In any case where an election has been previously held for a sponsoring municipality and the host county thereof in accordance

with the then effective provisions of this chapter that authorized either horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, but not both such racing activities, and a commission has been incorporated for such municipality and is in operation, the racing and wagering activity not authorized by such previous election shall not be permitted in such municipality pursuant to this chapter unless the same shall have been authorized by another election held in the host county in which such activity shall have been approved by both (i) a majority of the votes cast in such election by voters who reside in the host county (including those voters who reside in the sponsoring municipality) and (ii) a majority of the votes cast in such election by voters who reside in the commission municipal jurisdiction. In order to authorize the holding of the required election in the host county, the governing body of the sponsoring municipality may adopt an ordinance or resolution requesting the county commission of the host county to call an election to be held on the question of authorizing any racing and wagering activity covered by this chapter that has not theretofore been authorized by an election, and in such ordinance or resolution the governing body of the sponsoring municipality shall determine the date of such election, which shall not be less than 45 days nor more than 90 days after the date of the adoption of such ordinance or resolution, and shall further specify the racing and wagering activity, whether horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, that is to be authorized by such election; provided, however, that, anything contained in this chapter to the contrary notwithstanding, in the case of any Class 1 municipality for which horse racing and pari-mutuel wagering thereon has been authorized by an election held prior to April 16, 1991, the governing body of such municipality is hereby mandated to request the county commission of the host county call an election before January 1, 1992, in accordance with the provisions of this section 11-65-4 for purpose of determining whether greyhound racing and pari-mutuel wagering thereon shall be permitted in the commission municipal jurisdiction. Depending on which racing and wagering activity is to be authorized by the election, the question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

“Do you favor the authorization of [insert here one of the following alternatives specified by the governing body of the sponsoring municipality in the ordinance or resolution calling the election]

“horse racing and pari-mutuel wagering thereon”

or

“greyhound racing and pari-mutuel wagering thereon” in that part of the City of _____ [insert the name of the sponsoring municipality] located in _____ [insert the name of the host county], as provided in Chapter 65, Title 11, Code of Alabama 1975?”

Yes _____

No _____

The sponsoring municipality shall promptly furnish a certified copy of the ordinance or resolution calling such election to the county commission of the host county, whereupon such county commission shall be required to call an election in the host county to be held on the question and on the date specified in such ordinance or resolution. The election so called shall be held only among the qualified voters of the host county, and no voters of the sponsoring municipality who reside in counties other than the host county shall be permitted to vote in such election. If the majority of the votes cast in such election are “Yes”, and if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are “Yes”, then the racing and wagering activity authorized by such election, in addition to the racing and wagering activity previously authorized to be conducted in the commission municipal jurisdiction, shall be legal in such jurisdiction, as and to the extent conducted in accordance with the provisions of this chapter, but such activity shall continue to be illegal in those parts of the sponsoring municipality outside such jurisdiction. If the majority of the votes cast in such election are “No”, or if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are “No”, then the racing and wagering activity that was the subject of such election shall not be legal in the commission municipal jurisdiction, unless the governing body of the sponsoring municipality should later call another election subject to the provisions of subsection (d) of this section 11-65-4; provided, however, that the disapproval by the voters in any election of any additional racing and wagering activity to be conducted in the commission municipal jurisdiction shall not revoke or impair any previous authorization for other racing and wagering activity, which authorization shall continue in full force and effect.

(c) The appropriate election officials of the sponsoring municipality and the host county are hereby directed to cooperate in calling and conducting any election held pursuant to the provisions of subsection (a) or (b) of this section 11-65-4 and in canvassing and declaring the results of such election. Any election called by the sponsoring municipality shall not be held on the date the sponsoring

municipality holds an election for its mayor or for two or more members of its governing body. Any such election shall be called, advertised, conducted and the results thereof canvassed and declared in the manner provided by law for calling, advertising, conducting and canvassing other county elections on propositions submitted to the voters of the host county and as the governing body of the host county shall provide in the resolution calling such election; provided, however, that, notwithstanding any statute which requires, or might be interpreted to require, notice of such election in the sponsoring municipality to be published more than 30 days before such election, it is hereby expressly provided that the publication of notice of an election at least 30 days prior thereto prescribed by section 17-7-5 for county elections shall also apply to the publication of notice of such election in the sponsoring municipality. The election officials of the sponsoring municipality and the host county are hereby directed to cooperate in preparing voter lists and establishing polling places that will enable the results of such election in the commission municipal jurisdiction to be separately determined from the results of such election in the host county as a whole. The costs of conducting any election pursuant to the provisions of subsection (a) or (b) of this section 11-65-4 shall be equitably apportioned between the sponsoring municipality and the host county according to agreement among the respective election officials of each such political subdivision or according to such other statutes as may at the time be applicable to the division of such election costs between the sponsoring municipality and the host county. In the event that the election officials of the sponsoring municipality and the host county cannot agree on a division of election costs and no other statute governs the division of such costs, such costs shall be divided equally among the sponsoring municipality and the host county. The results of any election conducted pursuant to this chapter shall be certified to the secretary of state, within 30 days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in the host county.

(d) One or more subsequent elections may be requested by the governing body of a Class 1 municipality to be called by the county commission of the host county if the question submitted at the preceding election called pursuant to subsection (a) or (b) of this section 11-65-4 does not receive the required majority of the votes cast by voters of both the host county and the commission municipal jurisdiction; provided, however, that not more than one election in each calendar year may be requested to be called pursuant to said subsection (a) or (b) by the governing body of any Class 1 municipality. Any such subsequent election shall be called, advertised,

conducted and the results thereof canvassed and declared in the same manner and subject to the same conditions as the preceding election called pursuant to said subsection (a) or (b), as the case may be.

Section 5. Composition of Commission. Section 11-65-5, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-5. Composition of commission; terms; qualifications; removal from office.

(a) Every commission shall have five members, which shall constitute its governing body. All powers of a commission shall be exercised by its members or pursuant to their authorization. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each serve as a member ex officio, unless such official exercises his or her right, as provided in subsection (b) of this section 11-65-5, to appoint a fixed-term member to serve in lieu of such official. The service of each such official as a member shall begin with the beginning of his or her tenure in such office and shall end with the ending of such tenure or the appointment by such official of a fixed-term member to serve in lieu of his or her ex officio service. The other three members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the secretary of state of a favorable vote at an election called and held pursuant to section 11-65-4. The lieutenant governor of the state, the host county house delegation and the host county senate delegation shall each appoint one member; provided, however, that the provisions of this chapter conferring upon the lieutenant governor of the state the power to appoint one member of each commission are hereby expressly declared to be severable from the other provisions of this chapter, and if the provisions conferring such power upon the lieutenant governor shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this chapter by sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter, and in such case, the mayor or other chief executive officer of the sponsoring municipality shall have the right to appoint the member of each commission that, absent such determination, would have been appointed by the lieutenant governor, all subject to the same terms and conditions herein that would be applicable to an appointment made by the lieutenant governor. The appointments of members by the host county house delegation and the host county senate delegation shall be made at meetings of

the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the sponsoring municipality, who shall provide the members of each delegation with written notice of any such meeting at least ten days prior to the date set therefor. All meetings of the host county house delegation or the host county senate delegation called and held pursuant to this chapter shall be open to the public. Any appointment of a member by the host county house delegation or the host county senate delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this chapter. Any meeting of the host county house delegation or the host county senate delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a member within 30 days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the sponsoring municipality.

(b) The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each have the right, exercisable in his or her discretion and at any time during his or her tenure as such official, to appoint a member of the commission to serve in lieu of such appointing official for a fixed term from the effective date of such appointment until the end of the current term of office of the appointing official. Any such appointed member shall, during his or her term, exercise the full rights and powers of a member of the commission that the appointing official would have possessed if he or she had chosen to serve as an ex officio member. Any such appointed member shall also comply with the qualifications set forth in subsection (f) of this section 11-65-5, except that the mayor or other chief executive officer of the sponsoring municipality may, in his or her discretion, appoint a member of the governing body of the sponsoring municipality to serve as a fixed-term member of the commission, and the president or other designated presiding officer of the county commission of the host county may, in his or her discretion, appoint a member of the county commission to serve as a fixed-term member of the commission.

(c) The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall have the right,

exercisable in the discretion of each such official and at any time and from time to time during his or her tenure as such official, to appoint a deputy member of the commission to represent such ex officio member in connection with the business of the commission. In the event that, pursuant to subsection (b) of this section 11-65-5, a member of the governing body of the sponsoring municipality is appointed as a fixed-term member of the commission or a member of the county commission of the host county is appointed as a fixed-term member of the commission, then each such appointed member shall have the same right to appoint a deputy member as would belong to the appointing official if he or she chose service as an ex officio member. Any deputy member shall be appointed by a letter signed by the appointing member and filed with the executive secretary of the commission, which letter shall specify the period of time for which such deputy member shall be appointed or, if not for a period of time, the particular meeting or other business for which he or she shall be appointed. Any deputy member shall serve at the pleasure of the appointing member, and his or her appointment may be revoked at any time during the term of office of the appointing member by a letter signed by the appointing member and filed with the executive secretary of the commission. The appointment of any deputy member shall be automatically revoked when the appointing member ceases to be a member of the commission for any reason. Each member of the commission entitled to appoint a deputy member may, during his or her term of office, appoint and remove from office as many deputy members as he or she may choose, provided that at any given time such member may have no more than one validly appointed deputy member. Any deputy member shall comply with the qualifications set forth in subsection (f) of this section 11-65-5, except that the mayor or other chief executive officer of the sponsoring municipality or any fixed-term member appointed to serve in lieu of such official, may, in his or her discretion, appoint a member of the governing body of the sponsoring municipality or a full-time officer or employee of such municipality to serve as deputy member, and the president or other designated presiding officer of the county commission of the host county or any fixed-term member appointed to serve in lieu of such official may, in his or her discretion, appoint a member of the county commission of the host county or a full-time officer or employee of such county to serve as deputy member. Any deputy member validly appointed and serving in accordance with the provisions of this section 11-65-5 shall be entitled to exercise all powers and perform all functions and duties of the member who appointed such deputy member, including, without limitation, the right to vote on all matters coming before the commission when such appointing member is not present.

(d) The member to be appointed by the lieutenant governor of the state shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the election authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county house delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the election authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county senate delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the election authorizing the incorporation of the commission shall be conducted. Thereafter, the term of office of each appointed member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor member shall end.

(e) If at any time there shall be a vacancy among the appointed members of a commission (i.e., those members who do not serve ex officio), a successor member shall be appointed to serve for the unexpired term applicable to such vacancy; provided, however, that any official entitled ex officio (e.g., the mayor of the sponsoring municipality or the president of the county commission of the host county) to a vacant membership previously held by a member appointed in lieu of such official may, instead of appointing a successor, resume his or her ex officio membership by filing written notice to that effect with the secretary of state and the executive secretary of the commission. The appointment of each member appointed by the lieutenant governor, the host county house delegation or the host county senate delegation, as the case may be (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than 30 days prior to the date on which such member is to take office as such. If the term of any such member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed, and if such member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Any member appointed pursuant to subsection (b) of this section 11-65-5 shall not serve beyond the

term for which appointed, and upon the expiration of such term, the position previously held by such member shall immediately revert to the official entitled thereto by reason of his or her office, and such official shall continue as ex officio member of the commission until the expiration of his or her current term of office, the vacation of such office prior to the expiration thereof, or the appointment of someone pursuant to said subsection (b) to serve as a member in lieu of such official, as the case may be. Members appointed by any appointing authority shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments required to be made by the lieutenant governor, the host county house delegation or the host county senate delegation are not made within 60 days after the certification to the secretary of state of a favorable vote at an election called and held pursuant to this chapter (in the case of initial appointment), or within 30 days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members of the commission holding appointments already made or serving as ex officio members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other members, by a certificate signed by the members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the secretary of state. The certificates evidencing the appointment of members of a commission shall be addressed and delivered to the secretary of state, who shall maintain the originals of such certificates as official records in his office, and copies of such certificates shall be furnished to the executive secretary of the commission.

(f) Each appointed member of any commission shall have been a resident of the host county for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the host county and a qualified elector of the state, and a failure by any appointed member to remain so qualified during such term of office shall cause a vacancy of the office of such member. Except as otherwise provided in subsections (b) and (c) of this section 11-65-5, no person serving as a member of the legislature of the state, serving as a member of the governing body of any municipality, county or other political subdivision of the state, or holding a full-time office or position of employment with the United States of America, the state, any county or municipality in the state, or any instrumentality, agency or subdivision of any of

the foregoing, shall be eligible for appointment as a member or deputy member of a commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a member of a commission unless such service constitutes full-time employment. Each appointed member shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed member of a commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (f), to serve as a member of a commission, which affidavit shall be filed with the secretary of state along with the aforesaid certificate evidencing such appointment. Any appointed member of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(g) Any person who is an appointed member of a commission shall be deemed to vacate his or her office as such member by (1) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a member, would have rendered such person ineligible for appointment as a member or (2) the occurrence of any event or circumstance involving the character of such person which, had such event or circumstance occurred prior to the time of his or her appointment as a member, would have precluded such appointment. Any appointed member may be impeached and removed from office as a member of a commission in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama, or successor provision thereof, and the general laws of the state for impeachment and removal of the public officers subject to said section 175 or successor provision thereof. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county may not be impeached and removed from office as a member of a commission apart from their impeachment and removal from their respective offices by virtue of which, *ex officio*, they serve as members."

Section 6. Incorporation of Commission. Section 11-65-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-6. Incorporation of commission.

The five persons initially designated as members of a commission shall become a corporation with the power and authority provided in this chapter by proceeding according to the provisions of this chapter. To become a corporation, the persons so designated shall present to the secretary of state an application signed by them which shall contain the following:

(1) A statement that the applicants propose to incorporate a commission pursuant to this chapter;

(2) The name and principal residence of each of the applicants;

(3) The date on which each applicant who is not an ex officio member was appointed as a member and the expiration date of the term for which he was appointed;

(4) The term of office for each applicant who is an ex officio member;

(5) The name of the proposed corporation, which shall be “The _____ [name of the sponsoring municipality] Racing Commission”;

(6) The location of the principal office of the proposed corporation, which shall be in the sponsoring municipality; and

(7) Any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds. The secretary of state shall examine the application and determine if the certificate of the appropriate election officials has been filed with his office, as required by section 11-65-4, confirming the results of the election which authorizes the incorporation of the commission and empowers it to license and regulate racing activities and pari-mutuel wagering thereon. If the secretary of state finds that the application for incorporation of a commission substantially complies with the requirements of this section and that the certified results of the election show the required approval for such incorporation, he shall receive, file and record such application in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation

under the name stated in the application, without the necessity of any further action under any other laws of the state applicable to the creation of corporations, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this chapter, under the great seal of the state, and shall record the certificate with the application and the certificate of election results. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of any commission. Once authorized by the election required by section 11-65-4 and incorporated, a commission may not be dissolved except pursuant to general act of the legislature applicable to such commission.

To the extent that additional powers to license and regulate racing are authorized for a commission by any election held pursuant to subsection (b) of section 11-65-4, the certificate of the appropriate election officials confirming the results of such election that is required to be submitted to the secretary of state shall be filed with and shall constitute part of the permanent records pertaining to the corporate existence and powers of the commission, and such additional powers authorized by such election may be exercised by the commission without any requirement that the commission apply to the secretary of state for an amendment to its certificate of incorporation reflecting such additional powers or that a certificate of amendment be issued by the secretary of state."

Section 7. General Provisions Respecting Members of Commission. Section 11-65-7, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-7. General provisions respecting members of commission.

No member shall vote on or participate in the discussion or consideration of any matter coming before a commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before a commission, any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to such commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee of a commission, and no spouse, child, parent, brother or sister of any such member or employee, (1) shall have any financial interest,

direct or indirect, in any racing facility, business or operation which is subject to the provisions of this chapter, or in any entity which has submitted an application for a license under this chapter, (2) shall be an employee of any licensee or permit holder of the commission, or (3) shall participate as the owner of any horse or greyhound participating in any race or otherwise be interested in the outcome of any race subject to the jurisdiction of a commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed member or officer of a commission (e.g., any member or officer of a commission who does not serve as such by reason of his holding another office), no employee of a commission, and no spouse, child, parent, brother or sister of any such appointed member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the state or any office of the sponsoring municipality or the host county of such commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall perform the duties of a member of a commission, ex officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers, and any member of a commission who is appointed by either of such officials pursuant to the provisions of section 11-65-5 and who is a member of the governing body of the sponsoring municipality or the host county shall likewise perform his or her duties as such member without any compensation other than that to which he or she is entitled as a member of such municipal or county governing body. Except as otherwise provided in the preceding sentence and to the extent not in conflict with section 280 of the Constitution of Alabama, appointed members of a commission, including deputy members appointed pursuant to subsection (c) of section 11-65-5, shall be entitled to such compensation for their services as the commission shall from time to time provide by duly adopted resolution, provided that no appointed member or deputy member of a commission shall receive more than \$100.00 for each day or part thereof spent in the performance of his duties. Each member, whether appointed or serving ex officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a member of a commission. The compensation and expenses of members and deputy members shall be paid out of the funds of a commission in accordance with such rules as shall be from time to time adopted by such commission.

A majority of the members (including any member represented by a deputy member) of a commission shall constitute a quorum

for the transaction of business by such commission, and, in the absence of a rule incorporated in the bylaws of a commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the members of a commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each member to have a single vote. No vacancy in the membership of a commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the commission."

Section 8. Officers of Commission. Section 11-65-8, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-8. Officers of commission.

The officers of a commission shall consist of a chairman, vice-chairman, executive secretary, treasurer and such other officers as the commission shall deem necessary or appropriate. The chairman and vice-chairman of a commission shall be elected by the commission from the membership thereof. The executive secretary shall be appointed as provided in section 11-65-10. A commission may appoint the principal financial officer of the sponsoring municipality as the treasurer of such commission or it may appoint its executive secretary as treasurer and combine the duties of the two offices, or it may appoint and employ a treasurer as provided in section 11-65-10."

Section 9. Treasurer of Commission. Section 11-65-9, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-9. Treasurer of commission; investment of funds of commission.

The treasurer of a commission shall collect all the fees, commissions and other moneys provided for in this chapter, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. A commission may appoint the principal financial officer of the sponsoring municipality as the treasurer, in which case such officer shall perform the duties of treasurer without any compensation other than that to which he or she is entitled as the principal financial officer of such sponsoring municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a commission. The treasurer of a commission shall, with the approval of the commission, determine the managerial, accounting and clerical personnel that are necessary to keep the books and records of such commission and to perform the audit

and other financial functions for such commission authorized or contemplated by this chapter. If the commission appoints the principal financial officer of the sponsoring municipality as the treasurer of the commission, such managerial, accounting and clerical personnel may, as and to the extent approved by the commission, be employees of such sponsoring municipality and shall perform their duties with respect to the commission under the supervision of such principal financial officer in his capacity as treasurer of the commission. The number, qualifications and compensation of personnel employed by the sponsoring municipality to perform all financial functions for a commission shall be subject to the approval of such commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such sponsoring municipality. A commission shall reimburse the sponsoring municipality for the costs and expenses incurred in the performance of any financial functions for such commission, including a reasonable allowance for the time of the principal financial officer of such sponsoring municipality devoted to the business of such commission as its treasurer.

The funds of a commission which it determines are not then needed to discharge its obligations or to make the disbursements provided for in sections 11-65-34 and 11-65-36 may be invested in such of the following investments as its treasurer, acting at the direction of or with the approval of the commission, may determine to be most advantageous or convenient:

(1) Any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation;

(2) Any direct, general obligation of the United States of America;

(3) Any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America;

(4) Any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and

(5) Any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (1), (2), (3) and (4) of this sentence.

Funds of a commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the sponsoring municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation."

Section 10. Powers and Duties of Commission. Section 11-65-10, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-10. Powers and duties of commission.

When authorized by one or more elections as provided in section 11-65-4, a commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon within the commission municipal jurisdiction, including, without limiting the generality of the foregoing, the powers and duties hereinafter set forth in this section or in other sections of this chapter.

(1) A commission shall have succession in perpetuity, subject only to the provisions of this chapter as it may be amended from time to time.

(2) A commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A commission shall have the power to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business.

(5) A commission shall have the power to make, execute and perform such contracts, agreements and other instruments and to

take such other actions as may be necessary or convenient to accomplish its purposes and perform its duties under the provisions of this chapter, including, without limiting the generality of the foregoing, the power to enter into a contract, on such terms as it shall deem desirable, to grant a license to own, or to have the use of, a horse racing facility, a license to conduct horse racing and pari-mutuel wagering thereon, a license to conduct greyhound racing and pari-mutuel wagering thereon, or any other license or permit to a person meeting the qualifications prescribed by this chapter for such license or permit. Any contract of a commission shall be valid and enforceable with respect to any action which may at any time be authorized by law, even if the authority to perform such action was authorized by a law enacted after the making of such contract.

(6) A commission shall have the power

a. to borrow money from any source, including the sponsoring municipality (which is hereby authorized to lend such money to its related commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this chapter and

b. to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of breeding fund fees pursuant to section 11-65-34 hereof or from any intended recipients of the next commission revenues pursuant to section 11-65-36 hereof; provided, however, that no commission shall be entitled, pursuant to this subdivision, to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000.00 or (ii) the amount which the commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(7) A commission shall establish and maintain a general business office within the commission municipal jurisdiction for the transaction of its business at a place to be determined by such commission. A commission shall meet at such times and places within its sponsoring municipality as it shall determine.

(8) A commission shall be vested with supervision and authority over all horse racing and pari-mutuel wagering thereon and all greyhound racing and pari-mutuel wagering thereon that it shall license under the provisions of this chapter and over all persons

conducting, participating in or attending such licensed activities. A commission shall employ such persons to be present at all occasions when licensed activities are conducted and to exercise such duties of surveillance and control as shall be necessary to ensure that they are conducted with order and the highest degree of integrity. A commission may eject or exclude from any racing facility where licensed activities are being conducted, or from any part thereof, any person, whether or not possessing a permit from the commission, whose conduct or reputation is such that his or her presence may, in the reasonable opinion of the commission or its agents, pose a threat to, interfere with or reflect adversely upon, the order and integrity of such licensed activities. By the act of giving any operator a license to conduct activities regulated under this chapter, a commission shall be deemed to have authorized and directed the operator to maintain and enforce, subject to compliance with the rules and regulations of the commission, the same degree of order and integrity which it is the right and duty of the commission to maintain and enforce, including the same right as that of the commission to eject or exclude from the racing facility covered by such license, or from any part thereof, any person, whether or not possessing a permit from the commission, whose conduct or reputation is such that his or her presence may, in the reasonable opinion of the operator or its agents, pose a threat to, interfere with or reflect adversely upon, the order and integrity of the licensed activities conducted by the operator; provided, however, that the commission shall have no liability for any actions taken by an operator or its agents with respect to maintaining and enforcing the order and integrity of the licensed activities conducted by such operator.

(9) From the fees, commissions, fines and other moneys available for the payment of a commission's expenses, the commission shall pay all salaries and other employment expenses of its employees and agents, in whatever capacity or for whatever purpose employed, and whether employed in connection with the regulation and conduct of horse racing, greyhound racing or pari-mutuel wagering, and the commission shall not have the right, whether attempted to be implemented by regulation, order or contract, to require a licensed operator under its jurisdiction to pay, or to reimburse the commission for the payment of, any of the salaries or other employment expenses of the commission's employees and agents; provided, however, that the requirements and limitations of this subdivision (9) shall not be interpreted to diminish the authority of the commission to require any licensed operator to employ, at the expense of the operator, such qualified personnel (the selection and determination of the qualifications of such personnel to be mutually acceptable to the operator and the commission) as shall

be reasonably necessary to ensure that all licensed activities conducted by the operator are conducted with order, security and the highest degree of integrity in accordance with the provisions of this chapter and the rules and regulations of the commission.

(10) A commission shall have the power to compel a horse racing facility licensee or an operator to file with the commission such periodic reports, in form and content prescribed by duly adopted rules and regulations of the commission, as shall be reasonably necessary for the enforcement of the provisions of this chapter and the performance of the commission's duties. A commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an operator, and may compel the production of any of an operator's books, documents or records to the extent that such materials are relevant to a determination that such operator is faithfully complying with the provisions of this chapter and the commission's rules and regulations. By duly adopted rules and regulations or by specific order entered after appropriate hearings and findings, a commission may require that it be provided the following information or materials:

a. An operator shall provide financial reports, verified by the sworn statement of the operator's chief executive officer or chief financial officer, for such periods as the commission may require showing

(i) the horse racing handle and the commission horse wagering fee for such period,

(ii) the payments, by appropriate categories of wagers, to winning participants in pari-mutuel pools for horse racing during such period, including accounting for unclaimed, uncashed or abandoned pari-mutuel tickets,

(iii) the purses paid for horse racing during such period,

(iv) the breeding fund fee payable for such period,

(v) the greyhound racing handle and the commission greyhound wagering fee for such period,

(vi) the payments, by appropriate categories of wagers, to winning participants in pari-mutuel pools for greyhound racing during such period, including accounting for unclaimed, uncashed or abandoned pari-mutuel tickets,

(vii) the proceeds of the admission tax levied pursuant to section 11-65-33 and remitted to the sponsoring municipality, and

(viii) such other information concerning the revenues and disbursements of the operator as shall be necessary to verify compliance with the provisions of this chapter concerning horse racing, greyhound racing and pari-mutuel wagering thereon;

provided that the operator shall file with the commission, not less than 90 days after the end of each calendar year, a financial report covering the foregoing information for such year which shall be audited and certified by an independent accounting firm selected by the operator and approved by the commission. Neither a horse racing facility licensee nor an operator shall be required to furnish the commission complete financial statements that disclose the net worth of such licensee or operator, its net income for any period or other confidential information, unless for good cause it can be shown that such information is necessary to enforce compliance with the provisions of this chapter. Any financial information disclosing the net worth or net income of a horse racing facility licensee or an operator, or making it possible to compute the same, which comes into the possession of a commission shall not be public information and shall be protected against public disclosure to the same extent that the state income tax returns of any taxpayer are protected against public disclosure by the provisions of section 40-18-52.

b. In order to enable the commission to monitor and enforce the provisions of this chapter prohibiting the ownership by any disqualified person of an interest in any horse racing facility licensee or an operator, the commission may require such licensee or operator (i) to provide a list of all persons owning any interest therein and identifying those who own more than five percent of the total ownership interest and those, if any, who own more than fifty percent of such ownership interest and (ii) to update such list with changes in ownership at reasonable intervals to be determined by the commission, taking into account whether such ownership interests are publicly owned and traded or whether they are closely held; provided, however, that neither a horse racing facility licensee nor an operator shall be required to disclose the exact percentage of ownership interest in such licensee or operator held by any person to any extent other than that such interest is five percent or less, more than five percent but less than or equal to fifty percent, or greater than fifty percent.

c. The names and address of all persons from which an operator shall obtain goods and services of any kind having an aggregate value of more than \$10,000 in any single calendar year, together with copies of all written contracts that involve more than a single transaction or the delivery of goods or the performance of services over a period of time.

In any case where a horse racing facility licensee or an operator, pursuant to demand or order of the commission, shall file with the commission, whether voluntarily or under protest, information that such licensee or operator asserts is confidential in a written statement submitted to the commission with such information, then, in such case, if such information is not expressly required to be furnished as public information to the commission by any provision of this chapter, the commission shall protect such information against public disclosure to the same extent that the state income tax returns of any taxpayer are protected against public disclosure by the provisions of section 40-18-52. In no event shall the commission make or allow public disclosure of any information asserted to be confidential by a horse racing facility licensee or an operator, unless such public disclosure shall be ordered by the circuit court of the host county after a hearing in which such licensee or operator shall have had the opportunity to present reasons why it is entitled to a protective order prohibiting or limiting such public disclosure. Nothing contained in this chapter shall be construed to deny access to any information which would otherwise be available to the attorney general, the district attorney or any other law enforcement official in connection with a criminal investigation or prosecution.

(11) Any contract proposed to be entered into by an operator that involves consideration having an aggregate value of \$10,000 or more and that involves more than a single transaction or the delivery of goods or the performance of services over a period of time shall be submitted to the commission before the execution thereof by the operator or within five business days after such execution and shall be subject to the approval of the commission licensing such operator before such contract shall have permanent effect. In approving any contract the commission shall not inquire into or make any judgment regarding the commercial terms of such contract, and its power to disapprove a contract shall be limited to those cases in which it determines that a party to the contract is a disqualified person. Any contract not approved within 30 days of its submission to the commission shall be deemed approved, unless prior to the expiration of such thirty-day period the commission shall adopt a resolution stating that it disapproves the contract because it has reasonable cause for believing that a party to the contract is a disqualified person. A certified copy of such resolution shall be promptly furnished to the operator and to the contracting party whom the commission believes to be a disqualified person, whereupon either the operator or such contracting party, or both, shall have the option of terminating the contract or appealing the action of the commission to the circuit court pursuant to section 11-65-12. In the event that the disapproval of any contract by the commission is not ultimately set aside by the

circuit court pursuant to an appeal, the contract shall be valid and lawful for that portion thereof which is performed during the cumulative period, not exceeding 60 days, allowed for the commission's review and disapproval and the operator's appeal of the commission's action.

(12) A commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction and pari-mutuel wagering thereon shall be conducted in the sponsoring municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this chapter; provided, however, that no commission shall promulgate rules and regulations which require the disclosure of confidential information concerning the financial affairs and ownership of a horse racing facility licensee or an operator that is not required to be disclosed by the express provisions of this chapter. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(13) A commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such commission finds it necessary and appropriate so to do in order to carry out its duties under this chapter or to enforce the provisions of this chapter or rules or regulations adopted pursuant hereto.

(14) A commission shall be the primary, but not exclusive, law enforcement agency to enforce the provisions of this chapter, shall investigate all violations of the provisions of this chapter coming to its attention, shall report its investigative findings of all criminal violations of the provisions of this chapter to the district attorney of the host county or to the attorney general of the state when appropriate, and shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing or facilitating any other action to ensure the proper conduct of licensed activities under this chapter. The commission shall have the power and duty to maintain the confidentiality of information obtained in its own investigations or received from other law enforcement agencies, all to the extent required by law or agreement with such agencies or as may be deemed necessary or desirable by the commission.

(15) A commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of

such commission or by such qualified private security agency as such commission may designate:

- a. All members, officers and employees of such commission;
- b. Every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license from the commission, and every employee of such a licensee whose duties relate to the businesses of horse racing or greyhound racing in the sponsoring municipality;
- c. All owners of horses, owners of greyhounds, trainers, jockeys, apprentices, stable or kennel employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any operator; and
- d. All other persons whose relationship to horse racing or greyhound racing or wagering activities under the jurisdiction of the commission is of such nature that the commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(16) A commission shall report annually to the governing body of its sponsoring municipality and to such state and federal authorities as shall be required by law.

(17) Except as otherwise provided in subdivisions (10) and (12) of this section 11-65-10, all books, records, maps, documents and papers of a commission, including those filed with such commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the state, the sponsoring municipality or the host county or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any member of a commission violates the provisions of this subdivision, he or she shall be subject to removal from office.

(18) Subject to the provisions of section 11-65-11, a commission shall appoint an executive secretary, a treasurer (subject, in the case of the treasurer, to the provisions of section 11-65-9) and such other employees as it deems essential to perform its duties under this chapter. Such employees shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards for horse racing, judges for greyhound racing, chemists, veterinarians, inspectors, accountants, guards and such other employees deemed by the

commission to be necessary for the supervision and the proper conducting of horse racing and greyhound racing in accordance with the highest standards. Such employees shall be compensated as provided by the commission.

(19) The executive secretary of a commission, in addition to any other duties prescribed by such commission, shall keep a true and full record of all proceedings of such commission and shall preserve at the commission's general office all books, documents and papers of the commission.

(20) A commission shall have the authority to employ legal counsel of its choice to advise the commission and represent it in all proceedings. The compensation of such counsel shall be paid out of the funds of the commission.

(21) A commission shall have the authority (i) to expend funds to promote tourism and attendance at horse racing and greyhound racing events under its jurisdiction and (ii) to appropriate, pledge and pay funds to the sponsoring municipality or the host county, in a single year or for a term of years, for the reimbursement of costs at any time incurred by the sponsoring municipality or the host county (including an allowance for interest on such costs at the rate of eight percent per annum from the date such costs were incurred to the date of reimbursement) in providing roads, bridges, lighting, drainage, water mains, sewers and other public improvements that, in whole or in part, serve racing facilities under the commission's jurisdiction or, alternatively, the reimbursement of installments of principal of and interest on debt at any time incurred by the sponsoring municipality or the host county to pay the costs of such improvements. As a condition to any agreement or undertaking by a commission to make any appropriation, pledge or payment pursuant to clause (ii) of the preceding sentence, the governing body of the sponsoring municipality or the host county, as the case may be, shall adopt a resolution addressed to such commission requesting the reimbursement of the costs of specified improvements or the reimbursement of debt service on debt incurred to pay the costs of specified improvements, and such resolution shall be submitted to such commission together with a verified statement of the mayor of the sponsoring municipality or the president of the county commission of the host county, as the case may be, showing the costs of the improvements, the dates on which such costs were respectively incurred, and, if reimbursement for debt service is requested, the principal amount of debt in question and the date it was incurred, the principal maturities of such debt, the rate or rates of interest borne by such debt, and any agreements providing for the payment of any portion of such costs

or debt service by any other entities, whether public or private. A commission shall determine, in the exercise of its discretion, whether to comply with any such request for reimbursement, in whole or in part, and subject to compliance with the conditions of this subdivision (21), such commission shall have all necessary authority to enter into such agreements as shall be necessary to assure the performance of such reimbursement obligations as it agrees to undertake. If a private entity has a valid and enforceable obligation to pay any portion of such costs or debt service, a commission shall not reimburse the sponsoring municipality or the host county, as the case may be, for the portion of such costs or debt service for which such private entity shall be obligated, and if a public entity has a valid and enforceable obligation to pay any portion of such costs or debt service, a commission shall make such arrangements as shall assure that any reimbursement to, or for the account of, the sponsoring municipality or the host county for any portion of such costs or debt service paid by such public entity shall be remitted to such public entity in order to avoid duplicate reimbursement of the same amount to the sponsoring municipality or the host county. All expenditures, appropriations and payments made by a commission pursuant to this subdivision (21) shall be deemed to be expenses incurred by such commission in the administration and performance of its duties under this chapter and shall be deducted as a prior charge before determining the net commission revenues of such commission; provided, however, that the total amount of all expenditures, appropriations and payments made by a commission pursuant to this subdivision (21) during any calendar year shall not exceed 25 percent of the aggregate amount of commission horse wagering fees and commission greyhound wagering fees received by such commission during that calendar year.

(22) A commission shall have an independent accounting firm, which is approved by a majority of the members of the commission, and the chief examiner of public accounts of the state, prepare annual certified financial reports, as of the close of each fiscal year, detailing all income, expenses and disbursements of whatsoever nature without limitation and including all expenditures and disbursements made pursuant to sections 11-65-7, 11-65-9, 11-65-34 and 11-65-36. Each such report shall be a public record and shall be available during normal business hours for examination and copying by the public. Copies of any such report shall be made available upon request at a cost not exceeding the cost of reproducing such report.

Section 11. Review of Commission Action. Section 11-65-12, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-12. Review of commission action.

Any person aggrieved by the refusal of a commission to issue any license or permit, or the suspension or revocation of a license or permit, the imposition of a fine, the disapproval of a contract, or any other action or failure of action by the commission, may, within 60 days of such action or failure of action, appeal to the circuit court of the host county. If such court finds that the action of such commission, or its failure to take action, was arbitrary, unreasonable or contrary to the provisions of this chapter, it shall order the issuance or reinstatement of such license or permit, the abatement of such fine, the approval of such contract, or such other remedial action as it deems appropriate in the circumstances. The decision of such court shall be subject to appeal as in other cases at law.”

Section 12. Commission Licenses Required for Certain Activities; Conditions Relating to Award and Use of Licenses. Section 11-65-14, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-14. Commission Licenses required for certain activities; conditions relating to award and use of licenses.

(a) No person shall construct or establish a horse racetrack or racing facility where horse races are to be held and pari-mutuel wagering permitted, or own, lease, or otherwise have the use and enjoyment of, any such racetrack or racing facility in the commission municipal jurisdiction unless such person has obtained a horse racing facility license issued by a commission in accordance with the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize such holder to construct, establish, own, lease, or otherwise have the use and enjoyment of, a horse racetrack or racing facility in the commission municipal jurisdiction where horse races can be lawfully held and pari-mutuel wagering thereon permitted, all subject to and in compliance with the provisions of this chapter.

(b) No person shall conduct any pari-mutuel wagering on horse races, or conduct any horse races at which wagering of any kind is permitted with such person's knowledge or acquiescence, in the commission municipal jurisdiction unless such person has obtained an operator's license to conduct horse racing and pari-mutuel wagering thereon under the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize such holder to conduct horse racing and pari-mutuel wagering thereon in the commission municipal jurisdiction at the racing facility covered by such license, all subject to and in compliance with the provisions of this chapter. No horse racing operator licensed by a commission shall be required to obtain a

horse racing facility license or any other license from the commission with respect to the ownership or use of any racing facility in order to conduct horse racing and pari-mutuel wagering thereon at the facility covered by such operator's license.

(c) No person shall conduct any pari-mutuel wagering on greyhound races or any other kind of dog races, or conduct any dog races at which wagering of any kind is permitted with such person's knowledge or acquiescence, in the commission municipal jurisdiction unless such person has obtained an operator's license to conduct greyhound racing and pari-mutuel wagering thereon under the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize such holder to conduct greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction at the racing facility covered by such license, all subject to and in compliance with the provisions of this chapter. No greyhound racing operator licensed by a commission shall be required to obtain a horse racing facility license or any other license from the commission with respect to the ownership or use of any racing facility in order to conduct greyhound racing and pari-mutuel wagering thereon at the facility covered by such operator's license.

(d) As licensed and regulated by a commission under the provisions of this chapter, horse racing and pari-mutuel wagering thereon and greyhound racing, and pari-mutuel wagering thereon shall be separate activities which, subject to the rules, regulations and orders of the commission, may be conducted at the same racing facility. A commission shall permit an operator holding, both a license for horse racing and a license for greyhound racing to schedule both kinds of racing at different times on the same racing day or to schedule only one kind of racing on any given racing day, as in the judgment of such operator may be most economically advantageous. A commission may not require a greyhound racing operator to conduct horse racing to any extent as a condition of maintaining its license for greyhound racing and pari-mutuel wagering thereon in good standing or, alternatively, require a horse racing operator to conduct greyhound racing to any extent as a condition of maintaining its license for horse racing and pari-mutuel wagering thereon in good standing.

(e) No license issued under the provisions of this chapter shall be transferable without the approval of the commission which issued such license. The commission's review of any proposed transfer of a license and its approval or disapproval thereof shall be subject to rules and regulations adopted by the commission, but approval for the transfer of any license shall not be unreasonably withheld. No transfer of any license shall be approved by the commission unless the proposed transferee of such license satisfies all

qualifications and requirements that would be applicable to the original recipient of such license under this chapter.

(f) When presented with the opportunity of issuing or transferring any license under the provisions of this chapter, whether a horse racing facility license, an operator's license for horse racing and pari-mutuel wagering thereon or an operator's license for greyhound racing and pari-mutuel wagering thereon, a commission, in the exercise of its judgment and discretion, may determine the conditions under which applicants shall be allowed or induced to apply for such license, which conditions may involve, without limitation, (i) a public and open competition in which all interested persons shall be encouraged and permitted to submit applications or (ii) a controlled selection process in which only one applicant having particular qualifications will be evaluated by the commission and given an exclusive right to apply for and be awarded such license, subject to such applicant's fulfillment of all qualifications and conditions required by the provisions of this chapter for the award of such license. The legislature expressly authorizes a commission, both retroactively and prospectively, to grant, and to contract to grant and transfer, licenses on an exclusive basis to a single prospective licensee, without allowing competition from other persons who might be interested in such licenses, in circumstances where the racing activities under the jurisdiction of the commission have been disrupted by severe and protracted financial and managerial difficulties of the commission's prior licensees and there is a need to grant or transfer licenses to one or more persons having particular qualifications in order to implement a plan to put such racing activities on a new financial basis with new management, including, without limitation, a plan for reorganization under the bankruptcy laws of the United States. The legislature hereby expressly authorizes, ratifies and confirms the right and authority of a commission to enter into a valid and enforceable contract to grant to a prospective licensee a license to operate greyhound racing and pari-mutuel wagering thereon, and to protect such license from the future issuance of competing licenses for both horse racing and greyhound racing, without considering other applicants for such license, in furtherance of a plan of reorganization which depends upon the projected financial benefits of greyhound racing and pari-mutuel wagering thereon under the management of such prospective licensee, even though the commission entered into such contract prior to (i) the enactment of amendments to this chapter which, subject to compliance with the election requirements of § 11-65-4, authorize the commission to license and regulate greyhound racing and pari-mutuel wagering thereon and (ii) the approval of the commission's authority to license and regulate greyhound racing and pari-mutuel wagering thereon by

the voters of the host county and the commission municipal jurisdiction in an election held pursuant to subsection (b) of section 11-65-4. Such contract shall be valid from the date of its execution and delivery, but the obligation thereunder of the commission to grant a license for greyhound racing and pari-mutuel wagering thereon shall not be enforceable until the voters of the host county and the commission municipal jurisdiction shall have authorized the commission to license and regulate greyhound racing and pari-mutuel wagering thereon in an election held pursuant to subsection (b) of section 11-65-4. Nothing contained in this subsection (f) with respect to the retroactive validation of a commission's contract to issue a license for greyhound racing and pari-mutuel wagering thereon shall be construed to limit the right and duty of the commission to deny the award of the license pursuant to such contract if the commission reasonably and in good faith determines that the prospective licensee does not meet the qualifications established by this chapter for the award of the license."

Section 13. Application for Horse Racing Facility License. Section 11-65-15, Code of Alabama 1975, is hereby amended to read as follows:

"11-65-15. Application for horse racing facility license.

Any person desiring to obtain a horse racing facility license through issuance thereof by a commission, or through transfer of an outstanding license, shall file with the appropriate commission an application for such license. Such application shall be filed at the time and place prescribed by such commission and shall be in such form and contain such information as may be prescribed by such commission, including the following:

(1) The name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a financial interest in the applicant or the horse racing facility to be licensed, whether such interest will be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to

arrange further financing, subsequent to the award of a horse racing facility license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such commission may grant a horse racing facility license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(3) Such information as the commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) With respect to any racing facility that is not at the time subject to a horse racing facility license, the location and description of the horse racing facility for which the applicant proposes to obtain a license; provided that the commission may require such information about such facility and the location thereof, including preliminary architectural plans, as it deems necessary and appropriate to determine whether such facility is suitable and complies with the standards established by the commission pursuant to this chapter, and whether the conduct of horse racing and pari-mutuel wagering thereon at such location would be in the best interests of the people of the state;

(5) Such information relating to the financial responsibility of the applicant as the commission deems appropriate;

(6) If the horse racing facility to be licensed, or any part thereof, is to be leased or the use thereof to be made available to any person other than the applicant under a contract or other legal arrangement, the terms of such lease, contract or other legal arrangement; and

(7) Any other information which the commission in its discretion deems appropriate.

Anything contained in this section 11-65-15 to the contrary notwithstanding, an applicant shall not be required to disclose, in connection with an application for a horse racing facility license, any confidential financial information, or any information concerning the exact percentage of ownership interest in such applicant held by various persons, that it would be entitled, as a licensee of the commission, to keep confidential under the provisions of subdivision (10) of section 11-65-10, and to the extent that any such information is furnished to the commission by such applicant, or otherwise comes into the possession of the commission, it shall be kept confidential and shall be protected from public disclosure to

the same extent as confidential information concerning a licensee is required to be protected from public disclosure pursuant to said subdivision (10).

Any application for the issuance or transfer of a horse racing facility license shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$15,000.00; provided, however, that the nonrefundable fee for submitting an application for the issuance or transfer of a horse racing facility license shall be reduced to \$5,000.00 in those cases where the applicant is the holder of an operator's license to conduct horse racing and pari-mutuel wagering thereon at the racing facility or, simultaneously with the submission of such application, the applicant submits an application for the issuance or transfer of such an operator's license."

Section 14. Review of Application for Horse Racing Facility License. Section 11-65-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-16. Review of application for horse racing facility license.

(a) A commission shall promptly consider any application for the issuance or transfer of a horse racing facility license submitted to it and shall grant or deny the issuance or transfer of such license based on all information before it, including the results of investigations it deems appropriate. A commission shall deny the issuance of an original horse racing facility license to any applicant unless it finds that the applicant's facility will meet the following minimum standards:

(1) That the facilities will provide a track racing surface of at least one mile;

(2) That the facilities will be appropriate for the conduct of horse racing year-round and at night; and

(3) That the facility will be located within the boundaries of the commission municipal jurisdiction or will be located on land in the host county and annexed to the sponsoring municipality prior to the commencement of racing.

(b) A commission shall deny the issuance or transfer of a horse racing facility license to any applicant unless it finds that more than 50 percent of both the ownership interest and the voting interest in the applicant (and the applicant's general partner in the event the applicant is a limited partnership) is owned, directly or indirectly,

by persons who have a substantial presence in the state. For purposes of this subsection (b), a person shall be deemed to have a substantial presence in the state under any of the following circumstances:

(1) If a natural person, then such person has been domiciled in the state for at least 12 consecutive months prior to the date of the application for a license;

(2) If a corporation, then such corporation is incorporated under Title 10, Code of Alabama 1975, or is incorporated under comparable laws of another state and is licensed or qualified to do business in the state and, in addition, satisfies one of the following alternative sets of conditions:

a. such corporation has maintained its principal place of business, and has actively done business, in the state for at least 12 consecutive months prior to the date of application for a license, as evidenced either by the employment of at least 100 employees in the state or by the employment of \$500,000.00 in assets held in the state during such period; or

b. more than 50 percent of both the ownership interest and the voting interest in such corporation is owned, directly or indirectly, by natural persons described in subdivision (b)(1) of this section, or by one or more corporations described in subdivision (b)(2) a of this section, or by any combination of such natural persons and corporations;

(3) If a limited partnership, then such limited partnership is formed or registered under Title 10, Code of Alabama 1975, and has maintained its principal place of business and at least 50 percent of its assets in the state for at least 12 consecutive months prior to the date of application for the license, and its general partner has maintained its principal place of business or residence in the state for at least 12 consecutive months prior to the date of such application;

(4) If a general partnership, then such partnership has maintained its principal place of business and at least 50 percent of its assets in the state for at least 12 consecutive months prior to the date of application for the license;

(5) If a financial institution, then such financial institution is a corporation or other legal entity doing business in the state as a bank, national banking association, state banking corporation, trust company, industrial or other loan company, building and loan association, or insurance company and has maintained its principal place of business in the state for at least 12 consecutive months prior to the date of application for the license;

(6) If a trust or custodianship, then at least 50 percent of the corpus of such trust or custodianship is situated in the state and the trustee or custodian of such property has a substantial presence in the state under any of the standards set forth in this subsection (b); or

(7) If an estate, then such estate is the estate of a person described in subdivision (b)(1), or at least 50 percent of the property of such estate consists of real estate located in the state or tangible personal property which has been located within the state for at least 12 consecutive months prior to the date of application for the license.

(c) The provisions of this section which permit a horse racing facility license to be granted only if more than 50 percent of both the ownership interest and the voting interest in the licensee is owned, directly or indirectly, by persons who have a substantial presence in the state shall not be construed (1) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facility of such licensee securing debt incurred to finance the costs of constructing or purchasing such racing facility or (2) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person to which such racing facility may be sold in foreclosure, to take and hold title to such racing facility, to lease or sell the same, and to apply for and receive a horse racing facility license therefor from the commission upon compliance with all other applicable provisions of this chapter, irrespective of whether the aforesaid condition of substantial presence in the state shall be satisfied by persons owning, directly or indirectly, more than 50 percent of both the ownership interest and the voting interest in such mortgagee or in any person to which such racing facility shall be sold, as the case may be.

(d) A commission shall deny the issuance or transfer of a horse racing facility license to an applicant if it finds that for any reason the issuance or transfer of such license to such applicant would not be in the interests of the people of the sponsoring municipality or that the applicant, or any officer, general partner or director of the applicant (i) is a disqualified person, (ii) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application, or (iii) is not qualified to do business in the state or is not subject to the jurisdiction of the courts of the state."

Section 15. Terms of Horse Racing Facility License. Section 11-65-17, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-17. Terms of horse racing facility license.

(a) A horse racing facility license issued under this chapter shall be for a period of 20 years, but shall be reviewed annually. A commission issuing such license shall state therein the person to whom such license is issued, the duration of such license, the location of the racing facility thereby licensed to be used for horse racing, and such other conditions of the license and related information as the commission shall deem proper. A commission shall have no power to modify the terms of a horse racing facility license, once issued, without the prior written consent of the holder of such license. A horse racing facility license shall be revocable by the commission only if the holder thereof shall not be in compliance with the provisions of this chapter or the valid rules, regulations and orders of the commission and such noncompliance shall have continued for 60 days after written notice shall be given to such holder by the commission stating the circumstances of non-compliance and demanding corrective action.

(b) While any horse racing facility license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue (1) any other horse racing facility license with respect to the racing facility covered by the holder's license or licenses already in effect, (2) any other horse racing facility license covering any other racing facility to be located in the commission municipal jurisdiction or (3) any license permitting the holder thereof to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction or to own or operate any facility for horse racing or greyhound racing in the such jurisdiction, without, in any such case, the duly authorized consent of the holder or holders of all horse racing facility licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other license.

(c) Any provisions of this chapter or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of a horse racing facility license or at any time thereafter, enter into a contract with the holder of such license establishing restrictive conditions under which such commission may license any racing facility, whether for horse racing or greyhound racing, that would compete with the racing facility covered by the license of such holder, which conditions may, in the discretion of the commission, preclude the licensing of any competing racing facility while such holder's license shall remain in effect. The provisions of any such contract between a commission and a horse racing facility licensee shall be deemed to be a part of the terms and conditions of the license granted to such licensee. Without in any way limiting the nature of the consideration that might be given by a

licensee to make such contract binding, the obligations (including any future obligations) of any operator using the racing facility covered by such license to pay the state horse wagering fee and the commission horse wagering fee, together with the economic benefits to be derived by the state and such commission and its sponsoring municipality from the establishment and continued operation of a racing facility, shall be deemed sufficient consideration to make such contract binding upon the commission and any state racing commission. Any such contract between a commission and a horse racing facility licensee shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such licensee and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racing facility in contravention of such contract.

(d) A commission may require a bond with surety acceptable to it in an amount sufficient to secure payment of any indebtedness anticipated to be incurred by a horse racing facility licensee to such commission in any year, but such bond shall not for any reason be set by the commission at an amount greater than the amount of indebtedness to be secured thereby.

Section 16. Application for Operator's License. Section 11-65-18, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-18. Application for operator's license.

Depending upon the licensing authority granted a commission by elections held pursuant to subsection (a) or (b) of section 11-65-4, a commission shall be empowered to grant operator's licenses for horse racing and pari-mutuel wagering thereon or for greyhound racing and pari-mutuel wagering thereon. Any corporation, partnership or other business entity desiring to obtain (i) an operator's license to conduct horse racing and pari-mutuel wagering thereon at a racing facility located in the commission municipal jurisdiction or (ii) an operator's license to conduct greyhound racing and pari-mutuel wagering thereon at a racing facility located in the commission municipal jurisdiction, either through issuance of such license by a commission or transfer of an outstanding license, shall file with the appropriate commission an application for such license. Such application may, but need not, be made in conjunction with an application for a horse racing facility license. Operator's licenses shall separately authorize only the designated

activity for which they were issued, but operator's licenses for both horse racing and greyhound racing may be granted to the same licensee. Applications for both kinds of licenses may be submitted by an applicant at the same time, and in such case the commission shall review and decide both applications together. An application for an operator's license shall be filed at the time and place prescribed by the commission and shall be in such form and contain such information as may be prescribed by the commission, including the following:

(1) A statement identifying the kind of license for which application is being made, whether for horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, which statement may simply result from the use of the application form prescribed by the commission for the license in question.

(2) The name and address of the applicant; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(3) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a financial interest in the applicant or the racing facility where the racing and wagering activities of the applicant will be conducted, whether such interest will be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an operator's license, through a sale of stock, partnership interests or other equity interest, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, the commission may grant an operator's license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(4) Such information as the commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(5) The location and description of the racing facility where the applicant proposes to conduct the activity covered by the operator's license for which application is being made; provided that

the commission may require such information about such facility and the location thereof, including preliminary architectural plans, as it deems necessary and appropriate to determine whether such facility is suitable and complies with the standards established by the commission pursuant to this chapter, and whether the conduct of horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, as the case may be, at such location would be in the best interests of the people of the state;

(6) Such information relating to the business experience and financial responsibility of the applicant as the commission deems appropriate; and

(7) Any other information which the commission in its discretion deems appropriate.

Anything contained in this section 11-65-18 to the contrary notwithstanding, an applicant shall not be required to disclose, in connection with an application for an operator's license, any confidential financial information, or any information concerning the exact percentage of ownership interests in such applicant held by various persons, that it would be entitled, as a licensee of the commission, to keep confidential under the provisions of subdivision (10) of section 11-65-10, and to the extent that any such information is furnished to the commission by such applicant, or otherwise comes into the possession of the commission, it shall be kept confidential and shall be protected from public disclosure to the same extent as confidential information concerning a licensee is required to be protected from public disclosure pursuant to said subdivision (10).

Any application for the issuance or transfer of an operator's license, whether for horse racing or greyhound racing, shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.00."

Section 17. Review of Application for Operator's License. Section 11-65-19, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-19. Review of application for operator's license.

(a) A commission shall promptly consider any application for the issuance or transfer of an operator's license submitted to it and shall grant or deny the issuance or transfer of such license based on all information before it, including the results of investigations it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) That such applicant is a business entity, whether a corporation, partnership or other kind of organization, possessing the organizational substance, financial soundness, managerial capability and business experience with racing and pari-mutuel wagering operations, or with businesses requiring similar managerial experience and skill, that, in the reasonable judgment of the commission, are necessary to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, as the case may be, at the location for which an operator's license is being sought;

(2) That the racing facility which is to be the location of the applicant's prospective operations will be suitable for its intended purposes, whether horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both, and can be reasonably expected to provide the physical plant and location necessary for a successful operation, taking into account projected capital and operating costs, capacity, access, public appeal and other relevant factors;

(3) That the applicant shall have made, or shall have committed to make, arrangements satisfactory to the commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with all licensed activities, including utilization of the services of a protective agency acceptable to the commission; and

(4) That the applicant has a business plan for conducting horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both, as the case may be, in accordance with high standards of security, service and accommodation to the public, as well as in accordance with such standards of the industry, whether horse racing or greyhound racing, that the commission reasonably considers to be appropriate for operations of the nature planned by the applicant, taking into account the size, location and other relevant characteristics of the sponsoring municipality and its surrounding area.

(b) A commission shall deny the issuance or transfer of an operator's license to any applicant unless it finds that more than 50 percent of both the ownership interest and the voting interest in the applicant (and the applicant's general partner in the event the applicant is a limited partnership) is owned, directly or indirectly by persons who have a substantial presence in the state. For purposes of this subsection (b), a person shall be deemed to have a substantial presence in the state under any of the following circumstances:

(1) If a natural person, then such person has been domiciled in the state for at least 12 consecutive months prior to the date of the application for a license;

(2) If a corporation, then such corporation is incorporated under Title 10, Code of Alabama 1975, or is incorporated under comparable laws of another state and is licensed or qualified to do business in the state and, in addition, satisfies one of the following alternative sets of conditions:

a. such corporation has maintained its principal place of business, and has actively done business, in the state for at least 12 consecutive months prior to the date of application for a license, as evidenced either by the employment of at least 100 employees in the state or by the employment of \$500,000.00 in assets held in the state during such period; or

b. more than 50 percent of both the ownership interest and the voting interest in such corporation is owned, directly or indirectly, by natural persons described in subdivision (b)(1) of this section, or by one or more corporations described in subdivision (b)(2) a of this section, or by any combination of such natural persons and corporations;

(3) If a limited partnership, then such limited partnership is formed or registered under Title 10, Code of Alabama 1975, and has maintained its principal place of business and at least 50 percent of its assets in the state for at least 12 consecutive months prior to the date of application for the license, and its general partner has maintained its principal place of business or residence in the state for at least 12 consecutive months prior to the date of such application;

(4) If a general partnership, then such partnership has maintained its principal place of business and at least 50 percent of its assets in the state for at least 12 consecutive months prior to the date of application for the license;

(5) If a financial institution, then such financial institution is a corporation or other legal entity doing business in the state as a bank, national banking association, state banking corporation, trust company, industrial or other loan company, building and loan association, or insurance company and has maintained its principal place of business in the state for at least 12 consecutive months prior to the date of application for the license;

(6) If a trust or custodianship, then at least 50 percent of the corpus of such trust or custodianship is situated in the state and the trustee or custodian of such property has a substantial presence

in the state under any of the standards set forth in this subsection (b); or

(7) If an estate, then such estate is the estate of a person described in subdivision (b)(1), or at least 50 percent of the property of such estate consists of real estate located in the state or tangible personal property which has been located within the state for at least 12 consecutive months prior to the date of application for the license.

(c) The provisions of this section which permit an operator's license to be granted only if more than 50 percent of both the ownership interest and the voting interest in the licensee is owned, directly or indirectly, by persons who have a substantial presence in the state shall not be construed (1) to impair the foreclosure rights of any mortgagee holding a mortgage on any racing facility owned, leased or otherwise used by such licensee that secures debt incurred to finance the costs of constructing or purchasing such racing facility or (2) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, to which such racing facility may be sold in foreclosure, to take and hold title to such racing facility, to lease or sell the same, and to apply for and receive an operator's license from the commission to conduct racing and pari-mutuel wagering activities at such racing facility upon compliance with all other applicable provisions of this chapter, irrespective of whether the aforesaid condition of substantial presence in the state shall be satisfied by persons owning, directly or indirectly, more than 50 percent of both the ownership interest and the voting interest in such mortgagee or in any person to which such racing facility shall be sold, as the case may be.

(d) A commission shall deny the issuance or transfer of an operator's license to an applicant if it finds that for any reason the issuance or transfer of such license to such applicant would not be in the interests of the people of the sponsoring municipality or that the applicant, or any officer, general partner or director of the applicant, (i) is a disqualified person, (ii) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application, or (iii) is not qualified to do business in the state or is not subject to the jurisdiction of the courts of the state."

Section 18. Terms of an Operator's License. Section 11-65-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-20. Terms of an operator's license.

(a) An operator's license issued under this chapter, whether for horse racing and pari-mutuel wagering thereon or for greyhound

racing and pari-mutuel wagering thereon, shall be for an initial period of 20 years, but shall be subject to renewal as provided in this section 11-65-20. A commission shall have no power to modify the terms of an operator's license, once issued, without the prior written consent of the holder of such license. An operator's license shall be reviewed annually, but such license shall be revocable by the commission only if the holder thereof shall not be in compliance with the provisions of this chapter or the valid rules regulations and orders of the commission and such noncompliance shall have continued for 60 days after written notice shall be given to such holder by the commission stating the circumstances of noncompliance and demanding corrective action.

(b) A commission issuing an operator's license shall state therein the person to whom such license is issued, the activity licensed thereby (namely, whether the license is to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon), the location of the racing facility where the licensed activity is to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such commission shall deem proper, subject to compliance with the provisions of this chapter.

(c) An operator's license, whether for horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, shall be renewable at the expiration of the original term for successive renewal terms of three years each without limit as to the number of such renewal terms that may be granted to the original licensee. Not more than 180 days nor less than 90 days prior to the expiration of the original term of an operator's license, or the expiration of the renewal term for which such license shall have last been renewed, as the case may be, the holder of such license shall give written notice to the commission as to whether or not such holder will seek a renewal of such license. If the holder of an expiring operator's license, whether for an original or a renewal term, states in such notice that it has no interest in seeking a renewal term, then the commission shall make such arrangements, consistent with the provisions of this chapter, to obtain a replacement licensee for the expiring license through open competition or such other selection process as the commission may deem desirable. If the holder of an expiring license states in such notice that it desires to renew the license for a renewal term, the commission shall require such holder to submit a new application for the operator's license for such renewal term at least 60 days prior to the expiration of the current license, which application shall be in such form and shall contain such information as may be prescribed by the commission. The commission may

require a licensee applying for a renewal term to provide the same information and to meet the same qualifications as would, at the time of such renewal application, be required of a successful applicant for a original operator's license. The commission shall either grant or deny the requested renewal of the license within 30 days after receiving the application therefor, but the commission shall not deny the renewal of an operator's license except for good cause. Without limiting the generality of the factors that may constitute good cause for denying the renewal of an operator's license, it is hereby expressly provided that good cause shall include (i) chronic and repeated prior failures of such operator to comply with the provisions of this chapter as implemented by the rules, regulations and orders of the commission and (ii) the prior failure of such operator to exploit fully the economic potential of such license as evidenced by a limited schedule of racing programs, poor quality of racing programs, and poor attendance and participation in pari-mutuel wagering by the public. An operator's license shall be renewed by a commission on the same terms as originally issued, except for such conditions as may be necessary to correct matters that would constitute good cause for denying the renewal of such license.

(d) The commission shall issue rules and regulations pursuant to which a horse racing operator or a greyhound racing operator, as the case may be, shall schedule racing programs to be conducted pursuant to the license held by such operator. An operator's license, whether for horse racing or greyhound racing, shall entitle such operator to schedule racing programs on as many racing days during a calendar year as such operator, in the exercise of its business judgment, shall deem advantageous; provided that programs of horse racing or greyhound racing may not be scheduled for more than 310 racing days in any calendar year. The commission may require an operator to provide and update periodically the schedule of racing programs, whether horse racing or greyhound racing, that the operator proposes to conduct during each calendar year, but such schedule may, upon reasonable notice to the commission, be altered as often and to such extent as the operator deems necessary. A program of horse racing or greyhound racing, as the case may be, shall consist of such number of individual races of such kind as the operator may determine, and more than one program may be held on any racing day and scheduled at such time or times as the operator shall deem advantageous. If an operator holds both a license for horse racing and greyhound racing, different programs of live or simulcast horse racing and live or simulcast greyhound racing may be scheduled for separate times on the same racing day if the racing facility can accommodate, or be modified to accommodate, such different programs.

(e) Any program of horse racing and pari-mutuel wagering thereon or any program of greyhound racing and pari-mutuel wagering thereon that began before midnight of any racing day may be continued past midnight of the next calendar day to the end of the racing day in which such program began; provided, however, that the operator shall comply with all applicable general and local laws and county and municipal ordinances governing the times during which businesses serving the general public may sell food and alcoholic beverages and provide entertainment. No programs of horse racing and pari-mutuel wagering thereon nor programs of greyhound racing and pari-mutuel wagering thereon shall be permitted to commence on any Sunday or Christmas Day or Thanksgiving Day, but such prohibition shall not be interpreted to prohibit licensed activities during the final two hours of any preceding racing day.

(f) While any operator's license or licenses for horse racing and pari-mutuel wagering thereon theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license for horse racing and pari-mutuel wagering thereon in the commission municipal jurisdiction without the duly authorized consent of the operator or operators holding all such operator's licenses for horse racing already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license for horse racing. Likewise, while any operator's license or licenses for greyhound racing and pari-mutuel wagering thereon theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license for greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction without the duly authorized consent of the operator or operators holding all such operator's licenses for greyhound racing already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license for greyhound racing.

(g) Any provisions of this chapter or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an operator's license to a horse racing operator or a greyhound racing operator, as the case may be, or at any time thereafter, enter into a contract with such operator establishing restrictive conditions under which such commission may license the conduct of horse racing or greyhound racing and pari-mutuel wagering thereon that would compete with the racing or wagering activities covered by the license of such operator, which conditions may, in the discretion of such commission, preclude the licensing of any competing racing events or activities while such operator's license shall remain in effect. For purposes of any such contract, it

is hereby expressly recognized that an operation conducting greyhound racing and pari-mutuel wagering thereon, in addition to competing with other greyhound racing operations, will, in economic effect, compete with any geographically proximate operation conducting horse racing and pari-mutuel wagering thereon. The provisions of any such contract between a commission and an operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such operator. Without in any way limiting the nature of the consideration that may be given by an operator to make any such contract binding, the obligations (including any future obligations) of any horse racing operator to pay the state horse wagering fee and the commission horse wagering fee, or the obligations of any greyhound racing operator to pay the state dog racing privilege tax and the commission greyhound wagering fee, together with the other economic benefits to be derived by the state and by the commission and its sponsoring municipality from the conduct of racing and pari-mutuel wagering activities, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such operator and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing and wagering activities by persons other than such operator in contravention of such contract.

(h) In order to protect the continued viability of existing greyhound racing in Greene County and Macon County, a commission shall include in each operator's license for greyhound racing issued pursuant to this chapter conditions, as and to the extent hereinafter provided, which prohibit or restrict advertising by such operator in the "protected territory" hereinafter respectively defined for Greene County and Macon County. The protected territory for Greene County shall comprise the entire State of Mississippi and the entire area of the following counties in Alabama: Marion, Lamar, Fayette, Pickens, Tuscaloosa, Bibb, Sumter, Greene, Hale, Perry, Dallas, Lowndes, Wilcox, Marengo, Choctaw, Washington, Clarke and Monroe. The protected territory for Macon County shall comprise the entire area of the following counties of Alabama: Randolph, Chambers, Lee, Russell, Macon, Bullock, Montgomery, Lowndes, Butler, Crenshaw, Pike, Barbour, Henry, Dale, Coffee, Covington, Conecuh, Escambia, Geneva and Houston. The license issued to an operator for greyhound racing shall prohibit such operator, or any

person acting on its behalf, from advertising, in the protected territory of each of Greene County and Macon County, the existence of the greyhound racing operation covered by such license, the nature of the attraction or entertainment provided thereby or any other aspect, feature or circumstance of greyhound racing and pari-mutuel wagering thereon as conducted by such operator that has the purpose, intent or effect of inducing people to patronize such greyhound racing operation or any activity associated therewith.

(i) The advertising prohibited in the protected territory of each of Greene County and Macon County shall include, without limitation thereto, the following: (i) any advertising or solicitation by direct mail sent to addresses in the protected territory; (ii) any advertising or solicitation by telephone or other means of telecommunication directed to receiving devices located in the protected territory; (iii) any commercial messages broadcast from radio or television stations having either studio or transmission facilities located in the protected territory; (iv) any commercial messages transmitted by cable television to receiving units in the protected territory; (v) any advertising carried by newspaper, magazines or other publications published at any location in the protected territory; and (vi) any billboards or other signs visible from public roads in the protected territory. Any provision of this chapter to the contrary notwithstanding, a greyhound racing operator shall not be deemed to violate the prohibition of its license against advertising in the protected territory as a result of any of the following occurrences: (1) the reception in the protected territory of radio or television transmissions which are broadcast by radio or television stations having neither studio nor transmission facilities in the protected territory and which contain information of any kind concerning the greyhound racing operation covered by such license, irrespective of whether such information consists of paid advertising, news stories or other matter; (2) with respect to newspapers, magazines and other publications, whether published at a location in or outside the protected territory, the delivery and sale in the protected territory of a publication containing a news article or other information concerning the greyhound racing operation covered by such license that does not constitute paid advertising; and (3) with respect to newspapers, magazines and other publications that are not published at a location in the protected territory, the delivery and sale in the protected territory of magazines, newspapers and other publications, whether pursuant to subscription, newsstand sales or otherwise, which contain paid advertising concerning the greyhound racing operation covered by such license.

(j) The prohibition in the license of a greyhound racing operator against advertising in the protected territory of each of Greene

County and Macon County shall continue for the initial term of the operator's license and each renewal thereof; provided that if greyhound racing in either Greene County or Macon county shall be discontinued for a period of two consecutive years or more, then such greyhound racing operator shall be fully released from the prohibition against advertising in the protected territory of the county in which greyhound racing shall be so discontinued, and the resumption of greyhound racing in such county after a period of discontinuance of two years or more shall not cause such prohibition to be reinstated against such greyhound racing operator. A commission issuing a license for greyhound racing shall have the duty to enforce the prohibition against advertising in the protected territory of Greene County and Macon County as and to the same extent that it is bound to enforce other terms and conditions of an operator's license issued pursuant to this chapter; provided that Greene County or Macon County, or the racing commission of either county, or any licensee of either such commission, or any citizen, taxpayer or other interested party in either such county may, without waiting for enforcement action by the commission issuing such operator's license, bring a civil action for the enforcement of such prohibition, by way of injunctive relief or claim for damages or both, in the circuit court of the host county or of any other county in the state where a violation of the prohibition shall have occurred.

(k) A commission issuing an operator's license may require a bond with surety acceptable to it in an amount sufficient to secure payment of any indebtedness anticipated to be incurred by the holder of such license to such commission in any year, but such bond shall not for any reason be set by the commission at an amount greater than the amount of indebtedness reasonably anticipated to be secured thereby."

Section 19. Acquisition of Interest in Horse Racing Facility Licensee or Operator. Section 11-65-22, Code of Alabama 1975, is hereby amended to read as follows:

§ 11-65-22. Acquisition of interest in horse racing facility licensee or operator.

(a) A disqualified person may not acquire or hold an interest in a horse racing facility licensee or an operator. A commission may require that a disqualified person dispose of its interest in a horse racing facility licensee or an operator within a reasonable period of time provided that (i) the commission shall determine at a hearing that the owner of such interest is a disqualified person and (ii) the person who is alleged to be a disqualified person shall receive notice of and an opportunity to be heard at such hearing. Any person aggrieved by an action of a commission pursuant to

this section 11-65-22 may appeal to the circuit court of the host county pursuant to section 11-65-12.

(b) Any person desiring to acquire stock in, a partnership or other ownership interest in, or to become an owner or member of, any entity which holds a horse racing facility license or an operator's license hereunder who, after giving effect to such acquisition, becomes the beneficial owner of more than five percent of the total outstanding stock of, or interest in, such entity, shall apply to the commission which issued any such license on a form prescribed by it for approval of such acquisition or membership. The commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or other interest or the proposed member, as the case may be. If in the judgment of the commission the person making such application is a disqualified person, or the acquisition or transfer of stock or other interest or membership in an entity holding a horse racing facility license or an operator's license would be detrimental to the public interest, to the honesty and integrity of horse racing or greyhound racing, or to the reputation of either thereof, then, in any such case, the application shall be denied. If the application is not denied within 60 days, it shall be deemed approved.

(c) If the district attorney of the host county shall have reason to believe, either because of information gained by his own investigation or because of information brought to his attention by others, that a disqualified person has acquired and continues to hold stock or any other interest in a horse racing facility licensee or an operator, the district attorney shall give written notice of such belief to the commission having jurisdiction over such licensee or operator and shall state in such notice the identity of the alleged disqualified person and such other information as shall justify an investigation by the commission into whether the person identified in such notice is a disqualified person and whether such person has acquired and continues to hold stock or any other interest in a horse racing facility licensee or an operator. If, within a period of 30 days after receipt of such notice from the district attorney, the commission does not conduct any such investigation, or if, after having commenced any such investigation within said period of 30 days, the commission ultimately determines that the person who is the subject of such investigation is not a disqualified person or has not acquired and does not hold any stock or other interest in a horse racing facility licensee or an operator, then, in either of such cases, the district attorney shall have the right to institute proceedings in the circuit court of the host county (1) to determine whether such person is a disqualified person and whether such

person has acquired and continues to hold stock or any other interest in a horse racing facility licensee or an operator and (2) to enforce the provisions of this chapter which prohibit any disqualified person from acquiring or holding an interest in such licensee or operator. Upon any showing of clear and convincing evidence that any person is a disqualified person and has acquired and continues to hold stock or any other interest in a horse racing facility licensee or an operator, the circuit court shall order such disqualified person to dispose of such stock or other interest within a reasonable period of time.

(d) In determining a reasonable period of time for the disposition by a disqualified person of any stock or other interest in a horse racing facility licensee or an operator, the commission or the circuit court, as the case may be, shall take into account the facts and circumstances which justify the determination that the owner of such stock or other interest is a disqualified person, and if the status of any disqualified person results from any event or condition referred to in any of subparagraphs a, b, c, or d of section 11-65-2(a)(11), the commission or the circuit court, as the case may be, shall order the disposition of such stock or other interest as quickly as shall be consistent with justice, and if either the commission or the circuit court determines that such disqualified person intentionally violated the provisions of this chapter prohibiting the acquisition of such stock or other interest, the disposition of the same may be ordered without delay regardless of the fact that such immediate disposition may cause substantial economic loss to such disqualified person.

(e) The district attorney shall cooperate fully with the commission in any investigation or proceeding undertaken by the commission pursuant to notice given to the commission by the district attorney. The commission shall cooperate fully with the district attorney in any investigation undertaken or proceeding instituted by the district attorney in consequence of the failure of the commission to take action pursuant to a notice given by the district attorney or to determine that the person who is the subject of such notice is not a disqualified person or has not acquired and does not hold any stock or other interest in a horse racing facility licensee or an operator.

(f) Whether in connection with the operation of a racing facility or any other business of a horse racing facility licensee or an operator or any affiliate thereof, such licensee or operator shall not employ, or cause to be employed, the spouse or child of any member of the legislature, any state constitutional officer or any elected official of the host county or the sponsoring municipality. Members

of the legislature and elected officials of the host county or the sponsoring municipality shall not acquire any ownership interest in a horse racing facility licensee or any operator nor shall any business or professional entities owned, in whole or in part, by such legislators or officials sell any goods or provide any services for such licensee or operator; provided that the preceding provisions of this sentence shall not be construed to require any such legislator or official to sell or otherwise dispose of any investment securities representing an ownership interest in a horse racing facility licensee or an operator if such securities were acquired in a public offering or for value in a market transaction which, in either case, was consummated prior to the effective date of this subsection (f).

(g) Anything contained herein to the contrary notwithstanding, the provisions of this section and section 11-65-2(a)(11) are hereby expressly declared to be severable from the other provisions of this chapter, and if such provisions of this chapter are determined by any court of competent jurisdiction to be invalid for any reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter."

Section 20. Permits Required for Certain Individuals and Companies. Section 11-65-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-23. Permits required for certain individuals and companies.

No person, firm, corporation or partnership shall participate in any horse racing or greyhound racing subject to the jurisdiction of a commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, greyhound owner, trainer, jockey, exercise boy, groom, stable foreman, kennel foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or as an employee of the operator, or enter the racetrack enclosure for either horse racing or greyhound racing in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the commission and complies with the provisions of this chapter and all reasonable rules and regulations of such commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire (other than the operator) to obtain a permit from the commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit the commission to charge a concessionaire any

license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by section 11-65-24, it being expressly provided that the horse racing facility licensee and the operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of the commission and to retain all moneys (except for the commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities."

Section 21. Review of Applications for Permits. Section 11-65-25, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-25. Review of applications for permits.

A commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including the results of any investigation it deems appropriate. If an application for a permit is approved, the commission approving such application shall issue a permit which shall be valid for one year and shall contain such information as the commission deems appropriate.

A commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this chapter, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the sponsoring municipality or the integrity or reputation of the horse racing industry or the greyhound racing industry in the sponsoring municipality, or that the applicant:

(1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing or greyhound racing activity in the state or any other state;

(3) Has failed to comply with the provisions of this chapter or the reasonable rules and regulations of the commission;

(4) Has had a permit to engage in an activity related to horse racing or greyhound racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) Is unqualified to perform the duties required for the permit sought.

No commission shall have the right to delay or deny the issuance of a permit for any reason other than findings made pursuant to this section concerning the integrity, suitability or other relevant qualifications of the person applying for such permit. No commission shall use its power to withhold any permit as a means of obtaining concessions from an operator with respect to any matter under the jurisdiction of a commission that may be the subject of disagreement or controversy between the commission and such operator, including, without limitation, scheduling of racing programs, dissatisfaction with any contract of such operator submitted for the commission's approval, or access to confidential information concerning such operator that is not required to be disclosed. If any permit is neither granted by the commission, nor expressly denied by the commission on the basis of findings made in accordance with this section 11-65-25, nor the application therefor withdrawn by the person seeking such permit, in any such case within 30 days after the submission of the application for such permit, such application shall be deemed approved and the commission shall forthwith issue such permit to the person applying therefor; provided, however, that any permit issued pursuant to such deemed approval shall be subject to suspension or revocation by the commission pursuant to section 11-65-26 on the basis of facts or information subsequently coming to the attention of the commission that were not available to it at the time of such deemed approval."

Section 22. Licenses Required for Stewards and Judges of Races; Appointment of Stewards and Judges. Section 11-65-27, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-27. Licenses required for stewards and judges of races; appointment of stewards and judges.

Any person desiring to act as a steward for any horse race conducted by a horse racing operator licensed by a commission pursuant to this chapter must obtain a steward's license from such commission. Likewise, any person desiring to act as a judge for any greyhound race conducted by a greyhound racing operator licensed by a commission pursuant to this chapter must obtain a judge's license from such commission. Each commission shall require each applicant for a steward's license or a judge's license, as the case may be, to pass one or more examinations on matters relating to the duties of stewards or judges. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by the commission. The commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license or a

judge's license, as the case may be, including, without limitation, payment of reasonable license fees. Any steward's license or judge's license issued by a commission pursuant to this chapter shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the commission.

Three licensed stewards shall be appointed to supervise each program of horse racing conducted by a horse racing operator licensed pursuant to this chapter. Two of such stewards shall be appointed by the commission licensing such operator and one shall be appointed by such operator. Such stewards shall exercise such powers and perform such duties for each program of horse racing as may be prescribed by the rules and regulations of the licensing commission. The horse racing operator shall pay the wages and other employment costs of the steward whom it shall appoint, and the commission shall pay the wages and other employment costs of the two stewards whom it shall appoint.

Three licensed judges shall be appointed to supervise each program of greyhound racing conducted by a greyhound racing operator licensed pursuant to this chapter. Two of such judges shall be appointed by the commission licensing such operator and one shall be appointed by such operator. Such judges shall exercise such powers and perform such duties for each program of greyhound racing as may be prescribed by the rules and regulations of the licensing commission. The greyhound racing operator shall pay the wages and other employment costs of the judge whom it shall appoint, and the commission shall pay the wages and other employment costs of the two judges whom it shall appoint."

Section 23. Pari-mutuel Wagering. Section 11-65-28, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-28. Pari-mutuel wagering.

(a) Pari-mutuel wagering conducted by an operator shall be conducted in accordance with the provisions of this section. An operator shall provide a place or places at the racing facility operated by it at which such operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races or greyhound races, as the case may be, held at such racing facility. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the commission licensing such operator before being used, but such commission shall not require the installation of any particular make of such equipment.

(b) Subject to the provisions of subsection (c) of this section 11-65-28, a horse racing operator shall distribute to the winners of each pari-mutuel pool originated for horse races the total amount wagered with respect to that pool, less the following deductions, as in the case may be applicable, to be retained by such operator as the "takeout" for its own use and purposes, including the payment of the wagering fees imposed by this chapter:

(1) In the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to 17 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(2) In the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to 21 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(3) In the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to 23 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding provisions of this subsection (b) to be deducted from all pari-mutuel pools originated for horse races and retained by the horse racing operator conducting such races, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

(c) During any period in which a horse racing operator shall be required to pay the state horse wagering fee, such operator shall have the right to increase the "take out" deduction permitted by subsection (b) of this section 11-65-28 by any amount up to one percent of the total amount wagered with respect to any pari-mutuel pool originated for horse races, any provisions of this chapter or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each horse racing operator licensed by a commission for the purpose of enabling such operator to generate all or part of the money necessary to pay the state horse wagering fee, and any increase in the amount deducted by an operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any

increase in the state horse wagering fee, the commission horse wagering fee or any other taxes, fees or commissions payable by such operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this subsection (c) until such time as a horse racing operator shall become liable for the state horse wagering fee, but thereafter, and for so long as such operator shall remain liable for the state horse wagering fee, the right conferred by this subsection (c) to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools originated for horse races or with respect to some and not to others, and may be exercised with respect to any qualifying pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent of the total amount wagered with respect to that pool, all as such operator shall determine in the exercise of its sole discretion without direction or influence from the commission licensing such operator, any state racing commission or any other governmental body.

(d) A greyhound racing operator shall distribute to the winners of each pari-mutuel pool originated for greyhound races the total amount wagered with respect to that pool, less the following deductions, as in the case may be applicable, to be retained by such operator as the "takeout" for its own use and purposes, including the payment of the state dog racing privilege tax and the commission greyhound wagering fee:

(1) In the case of any pari-mutuel pool where the bettor is required to select one greyhound, there shall be deducted an amount equal to 17 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(2) In the case of any pari-mutuel pool where the bettor is required to select two greyhounds, there shall be deducted an amount equal to 21 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(3) In the case of any pari-mutuel pool where the bettor is required to select three or more greyhounds, there shall be deducted an amount equal to 23 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding provisions of this subsection (d) to be deducted from all pari-mutuel

pools originated for greyhound races and retained by the greyhound racing operator conducting such races, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains. The provisions of section 40-26A-2(c) relating to the state dog racing privilege tax to the contrary notwithstanding, a greyhound racing operator shall not be entitled to increase to 19 percent the "takeout" deduction specified in subdivision (d)(1) for pari-mutuel pools where the bettor is required to select one greyhound. Nothing contained in section 40-26A-2(c) shall be construed to require the "takeout" deduction specified in subdivision (d)(2) to be reduced to 19 percent or the "takeout" deduction specified in subdivision (d)(3) to be reduced to 21 percent.

(e) A commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be originated by a horse racing operator or a greyhound racing operator, as the case may be, and such rules and regulations shall be published by such commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as shall be approved by the commission licensing such operator. Each pool (less the amount that the operator is permitted to retain as the "takeout" pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or greyhound or combination of horses or greyhounds, as the case may be, for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of the tickets for such pool in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool."

Section 24. State Horse Wagering Fee. Section 11-65-29, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-29. State horse wagering fee.

No license tax, fee or equivalent charge shall be levied by the state against horse racing or pari-mutuel wagering thereon licensed and regulated by a commission during a period beginning with April

5, 1984, and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such commission. Beginning with such fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of a commission, and continuing thereafter for so long as such commission shall continue in existence, each horse racing operator licensed by such commission shall pay to the department of revenue of the state (or such other department or agency of the state as may be provided by law) a state horse wagering fee in an amount equal to one percent of the horse racing handle of such operator. The state horse wagering fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by a horse racing operator, and the installment referable to any calendar month shall be an amount equal to one percent of the horse racing handle of such operator for such calendar month and shall be paid to the department of revenue of the state (or such other department or agency of the state as may be provided by law) prior to the end of the next succeeding calendar month. The department of revenue of the state (or other collecting department or agency of the state) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this chapter, as shall be reasonably necessary for the determination and collection of the state horse wagering fee. The department of revenue of the state (or other collecting department or agency of the state) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the state horse wagering fee that may at any time be incurred by an operator. All installments of the state horse wagering fee collected by the department of revenue shall be deposited in the state treasury to the credit of the state general fund.

The legislature hereby finds and determines that the state horse wagering fee authorized by this chapter is the maximum license fee or equivalent tax or charge which can be levied by the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No state racing commission shall have the power to increase the state horse wagering fee above the limits provided in this chapter, to impose the state horse wagering fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this chapter."

Section 25. Commission Wagering Fees. Section 11-65-30, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-30. Commission wagering fees.

(a) Each horse racing operator shall pay to the treasurer of the commission licensing such operator a commission horse wagering fee for each calendar year during which it conducts any horse racing events. The amount of the commission horse wagering fee for an operator for a given calendar year shall be equal to the sum of (i) two percent of the horse racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00 and (ii) four percent of the portion of the horse racing handle of such operator for such calendar year that exceeds \$150,000,000.00. Each operator shall make payment of its commission horse wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent of the horse racing handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent of the horse racing handle for such month and (ii) two percent of the portion of the aggregate horse racing handle for such calendar year in excess of \$150,000,000.00. The installment of the commission horse wagering fee referable to any calendar month shall be paid to the treasurer of the commission prior to the end of the next succeeding calendar month.

(b) If at any time during a calendar year the aggregate horse racing handle of an operator for such calendar year exceeds \$150,000,000.00, then such operator shall, in order to assure the availability of the moneys required to pay the final installment of its commission horse wagering fee for such calendar year, set aside and invest moneys in an amount equal to two percent of the portion of such aggregate horse racing handle in excess of \$150,000,000.00 in investments of the kind in which the funds of a commission are permitted by section 11-65-9 hereof to be invested by its treasurer. Any such investments acquired by an operator shall be held by it in trust for the benefit of the commission licensing such operator in order to secure the payment of the commission horse wagering fee, but the operator shall be entitled to any interest earned from such investments until the due date of the final installment of the commission horse wagering fee for such calendar year.

(c) Each greyhound operator shall pay to the treasurer of the commission licensing such operator a commission greyhound wagering fee for each calendar year during which it conducts any greyhound racing events. The amount of the commission greyhound wagering fee for a greyhound racing operator for a given calendar year shall be determined as follows:

(1) For the period beginning with the commencement of greyhound racing by such operator pursuant to a license granted by the commission and ending ten years after the end of the calendar year in which such greyhound racing first commences, the amount of the commission greyhound wagering fee in each calendar year shall be equal to the sum of (i) two percent of the greyhound racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00 and (ii) four percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$150,000,000.00; and

(2) For the period beginning ten years after the end of the calendar year in which such operator first commences greyhound racing pursuant to a license granted by the commission and continuing with each calendar year thereafter, the amount of the commission greyhound wagering fee in each calendar year shall be equal to the sum of (i) two percent of the greyhound racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00, (ii) six percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$150,000,000 but does not exceed \$300,000,000.00 and (iii) four percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$300,000,000.00.

Each operator shall make payment of its commission greyhound wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (the "subject month") shall be determined in accordance with the following procedure: first, determine whether, as a result of the passage of time from the commencement of greyhound racing by such operator, the provisions of subdivision (c)(1) or (c)(2) of this section 11-65-30 apply to such calendar year; second, determine the cumulative amount of the greyhound racing handle of such operator for the months of such calendar year preceding the subject month; third, determine the amount of the greyhound racing handle of such operator for the subject month; fourth, using the cumulative amount of the handle for the preceding months as a benchmark, allocate the handle for the subject month among the annual brackets specified in subdivision (c)(1) or (c)(2), whichever is applicable; and fifth, calculate the commission greyhound wagering fee for the subject month by applying the percentage applicable to each bracket to the portion of the handle for the subject month allocated to such bracket. The installment of the commission greyhound wagering fee referable to each calendar month shall be paid to the treasurer of the commission prior to the end of the next succeeding calendar month.

No commission shall have the power to increase the commission horse wagering fee or the commission greyhound wagering fee above the limits provided in this chapter or to levy or impose any additional license fee or equivalent tax or charge against horse racing or greyhound racing and pari-mutuel wagering thereon conducted under the provisions of this chapter."

Section 26. Commission Greyhound Racing Days. Chapter 65, Title 11, Code of Alabama 1975, is hereby amended by adding thereto the following new section 11-65-30A:

"§ 11-65-30A. Commission greyhound racing days.

(a) During each calendar year, a greyhound racing operator shall be required to designate three racing days ("commission racing days") on which such operator will conduct a performance or program of greyhound racing and will pay to the commission the "gross profit" (as hereafter defined in this section) derived by the operator on such days from greyhound racing and pari-mutuel wagering thereon, including the sale of food, drink, programs and other items to the public in attendance and charges made for parking. In the event that a greyhound racing operator conducts greyhound racing for only part of a calendar year, one racing day shall be required for each period of four months or portion thereof in which such operator conducts greyhound racing during such calendar year. A greyhound racing operator shall be required to designate and conduct four commission racing days in any calendar year, beginning with the calendar year next succeeding the first full calendar year of greyhound racing conducted by an operator under license from the commission, with respect to which the greyhound racing handle in the next preceding year was less than \$150,000,000.00. The commission racing days designated by the greyhound racing operator shall be subject to approval by the commission, which approval shall not be unreasonably withheld. The commission racing days shall be spaced at intervals during the calendar year so that all will not occur in the same calendar season. The greyhound racing operator will give written notice to the commission of the commission racing days proposed for a calendar year not later than 30 days after the beginning of such calendar year. The commission may approve the proposed commission racing days or make a counter proposal to the greyhound racing operator for different days and, in connection therewith, shall state its reasons for desiring different days. If the commission's counter proposal is not acceptable to the greyhound racing operator, the commission and the operator shall negotiate in good faith to determine mutually acceptable commission racing days for the current calendar year, but if agreement cannot be reached as the year continues, the operator shall be released from the obligation to hold one commission racing day for every four months that elapse from the

beginning of such year (or one commission racing day for every three months in calendar years entitled to four commission racing days). The commission shall be prohibited from taking any regulatory action with respect to the greyhound racing operator for the purpose of coercing agreement on commission racing days demanded by the commission.

(b) As used with reference to a commission racing day, the term "gross profit" shall mean the amount computed by taking all revenues derived by the greyhound racing operator from greyhound racing conducted on such day (including the authorized "takeout" deductions from pari-mutuel pools, the proceeds from the sale of food, drink, programs and other goods to the public in attendance, and parking charges) and deducting therefrom the sum of the following:

(1) the actual operating costs of the greyhound racing operator on such commission racing day, which costs shall be those incurred for greyhound purses, direct labor, the costs of food, drink and other merchandise sold on such day and other costs incurred solely by reason of opening and operating the racing facility and shall not be deemed to include costs that are constant from day to day and would have been incurred by the operator had greyhound racing not been conducted on such day, including, but not limited to, such costs as capital expenditures, interest on debt, property taxes, insurance and other items of fixed expense determined in accordance with generally accepted accounting principles;

(2) the state dog racing privilege tax and the commission greyhound wagering fee applicable to pari-mutuel wagering conducted on such commission racing day;

(3) the general sales taxes payable to the state, the sponsoring municipality and the host county for food, drink and other merchandise sold by the greyhound racing operator on such commission racing day, admission fees for such day payable to the sponsoring municipality pursuant to section 11-65-33, and other taxes and fees, if any, payable to other governmental entities with respect to activities conducted on such commission racing day; and

(4) the rent, calculated as a percentage of the greyhound racing handle, which the greyhound racing operator may be obligated to pay any owner or lessee of the racing facility with respect to such commission racing day, it being expressly provided that the operator shall not absorb such rent in determining the gross profit and that it will be deducted from the operating revenues in calculating gross profit unless the operator's obligation for such rent on such commission day is waived or released by the party having the power to do so.

Any greyhound racing operator conducting a commission racing day shall remit the gross profits of such day to the treasurer of the commission prior to the end of the month next succeeding that month in which the commission racing day occurs. Such payment shall be accompanied by supporting financial information showing the calculation of the gross profits, including revenues and allowable costs by appropriate category.

(c) All revenues derived by a commission from a commission racing day, including both the gross profits and the commission greyhound wagering fee referable to such day, shall, in the discretion of the commission, be included in the net commission revenues and disbursed in accordance with the provisions of section 11-65-36 or, alternatively, sequestered in a separate fund, against which no charge shall be allowed for any part of the commission's operating expenses, and disbursed to one or more public or governmental entities or nonsectarian charitable organizations (i.e., organizations described in section 501(c)(3) of the Internal Revenue Code of 1986) that were identified as beneficiaries of such revenues prior to the date of such commission racing day. The commission shall adopt appropriate rules and regulations for evaluating and selecting public entities or charitable organizations to be beneficiaries of commission racing days."

Section 27. Purses for Horse Races and Greyhound Races. Section 11-65-31, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-31. Purses for horse races and greyhound races.

From the moneys deposited in pari-mutuel pools for horse races which constitute the "takeout" deducted by a horse racing operator pursuant to section 11-65-28(b), each horse racing operator shall apply an amount equal to seven percent of its total horse racing handle to provide purse moneys for horse races conducted by such operator. Prior to the commencement of any race meeting, the horse racing operator conducting such meeting shall estimate the amount of its horse racing handle to be derived from such meeting. Based upon such estimate, the horse racing operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the operator's actual horse racing handle for such race meeting will not match its original estimate.

Each horse racing operator shall provide the commission licensing such operator with periodic reports respecting the amounts applied by such operator to provide purse moneys for

horse races. If at the close of any race meeting it is determined that the operator conducting such meeting failed to apply an amount equal to seven percent of its horse racing handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such operator shall be required to provide as purse moneys for horse races conducted as part of its next succeeding race meeting.

The amount of purses to be paid with respect to greyhound races conducted by any greyhound racing operator shall be determined by such operator through negotiation with the kennel owners providing the greyhounds for such races. Nothing contained in this chapter shall be construed to require, or to permit the commission by regulation or order to require, any minimum level of purses for greyhound racing, whether based on a percentage of the greyhound racing handle or any other benchmark, or to limit, or to permit the commission by regulation or order to limit, the amount that a greyhound racing operator may agree to pay for such purposes."

Section 28. Televised Simulcast Programming of Racing Events. Section 11-65-32, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-32. Televised simulcast programming of racing events.

(a) A commission shall have the power to adopt rules and regulations specifying the conditions under which an operator, as part of its licensed activity, may cause televised simulcast programming of racing events, including both horse racing and greyhound racing, held at racetracks located outside the state to be transmitted for public viewing to a racetrack facility within the sponsoring municipality which is under the jurisdiction of such commission and there made the subject of pari-mutuel wagering. Any provision of this chapter or any other law to the contrary notwithstanding, no racing events, including both horse racing and greyhound racing, held at any location in the state (including a location in the sponsoring municipality) shall be televised to a racing facility subject to this chapter and made the subject of pari-mutuel wagering at such racing facility; provided, however, that an operator may use closed circuit television at a racing facility to provide enhanced viewing opportunities for live races being simultaneously run at such facility or to provide reruns of such live races. Subject to such exceptions as a commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are the subject of televised simulcast programming shall be subject to the

provisions of this chapter and the rules and regulations of such commission governing pari-mutuel wagering on live racing events conducted at racing facilities under the jurisdiction of such commission, including the provisions of sections 11-65-28, 11-65-29 and 11-65-30 hereof. A commission shall be entitled to no revenues from the televised simulcast programming of racing events other than (i) the commission horse wagering fee due with respect to that part of the horse racing handle wagered on televised horse racing events by bettors placing their bets at a racing facility in the commission municipal jurisdiction and (ii) the commission greyhound wagering fee due with respect to that part of the greyhound wagering handle wagered on televised greyhound racing events by bettors placing their bets at a racing facility in the commission municipal jurisdiction.

(b) If permitted by federal law and made possible by contractual arrangements with the operator of the racetrack that originates the simulcast programming, a horse racing operator may conduct pari-mutuel wagering on horse racing events televised to a racetrack facility in the commission municipal jurisdiction from locations outside the state. In such case the pari-mutuel pools for such wagering may be limited to bets made by bettors placing their bets at the racing facility located in the commission municipal jurisdiction or, alternatively, such pari-mutuel pools may include bets made by bettors placing their bets at the racetrack which conducts the televised horse racing events, as well as bets made by bettors placing their bets at one or more locations outside the state; provided that to the extent bettors placing their bets at a racing facility located in the commission municipal jurisdiction shall participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission and, provided further, that the state horse wagering fee and the commission horse wagering fee, as well as any other license taxes on pari-mutuel wagering that may at the time be applicable in the state or the commission municipal jurisdiction, shall be paid with respect to the total amount wagered by such bettors, as provided by this chapter or other applicable law.

(c) If permitted by federal law and made possible by contractual arrangements with the operator of the racetrack that originates the simulcast programming, a greyhound racing operator may conduct pari-mutuel wagering on greyhound racing events televised to a racetrack facility in the commission municipal jurisdiction from other locations outside the state. In such case the pari-mutuel pools for such wagering may be limited to bets made

by bettors placing their bets at the racing facility located in the commission municipal jurisdiction or, alternatively, such pari-mutuel pools may include bets made by bettors placing their bets at the racetrack which conducts the televised greyhound racing events, as well as bets made by bettors placing their bets at one or more locations outside the state; provided that to the extent bettors placing their bets at a racing facility located in the commission municipal jurisdiction shall participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission and, provided further, that the state dog racing privilege tax and the commission greyhound wagering fee, as well as any other license taxes on pari-mutuel wagering that may at the time be applicable in the state or the commission municipal jurisdiction, shall be paid with respect to the total amount wagered by such bettors, as provided by this chapter or other applicable law.

(d) A commission shall also have the power to adopt rules and regulations specifying the conditions under which an operator, as part of its licensed activity, may cause televised simulcast programming of racing events, including both horse racing and greyhound racing, held at a racetracks facility under the jurisdiction of such commission to be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (ii) transmitted to specific locations outside the state for the purpose of pari-mutuel wagering at such locations: provided that, any provision of this chapter or any other law to the contrary notwithstanding, no racing events, including both horse racing and greyhound racing, shall be televised from a racing facility subject to this chapter to any other location in the state (including a location in the sponsoring municipality) and made the subject of pari-mutuel wagering at such other location.

(e) A horse racing operator may televise horse racing events under the jurisdiction of a commission to locations outside the state and, in connection therewith, may create and administer pari-mutuel pools for wagering on such horse racing events which, in addition to bets made by bettors placing their bets at the racing facility of such operator in the commission municipal jurisdiction, shall include bets made by bettors placing their bets at one or more of such locations to which such horse racing events are televised; subject, however, to the following conditions: (i) the simulcast programming and televising of horse racing events from any racing facility under the jurisdiction of a commission shall be subject to the rules and regulations of the commission; (ii) to the extent that bettors placing their bets at the racing facility under

the jurisdiction of the commission participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission; (iii) the state horse wagering fee and the commission horse wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by bettors placing their bets at a racing facility in the commission municipal jurisdiction; and (iv) the commission horse wagering fee and the state horse wagering fee shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the state.

(f) A greyhound racing operator may televise greyhound racing events under the jurisdiction of a commission to locations outside the state and, in connection therewith, may create and administer pari-mutuel pools for wagering on such greyhound racing events which, in addition to bets made by bettors placing their bets at the racing facility of such operator in the commission municipal jurisdiction, shall include bets made by bettors placing their bets at one or more of such locations to which such greyhound racing events are televised; subject, however, to the following conditions: (i) the simulcast programming and televising of greyhound racing events from any racing facility under the jurisdiction of a commission shall be subject to the rules and regulations of the commission; (ii) to the extent that bettors placing their bets at the racing facility under the jurisdiction of the commission participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission; (iii) the state dog racing privilege tax and the commission greyhound wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by bettors placing their bets at a racing facility in the commission municipal jurisdiction; and (iv) the state dog racing privilege tax and the commission greyhound wagering fee shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the state.

(g) Nothing contained in this section or any other provision of this chapter shall be construed to authorize or make lawful "off-track betting" or wagering or gambling of any kind at any location in the state other than the pari-mutuel facilities located at race-track facilities where live racing is licensed by a commission. All laws of the state, whether local or general, and all ordinances of political subdivisions thereof, that prohibit, restrict or regulate wagering or gambling of any kind outside the commission municipal jurisdiction shall not be affected by this chapter, as amended,

and shall remain in full force and effect, it being expressly provided and understood that this chapter shall permit, subject to the conditions herein provided, pari-mutuel wagering on racing events only at a racing facility located in a sponsoring municipality where live horse racing or greyhound racing is licensed by a commission.

Section 29. Racetrack Admission Fee. Section 11-65-33, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-33. Racetrack admission fee.

The governing body of a sponsoring municipality may by ordinance impose a fee on an operator licensed under this chapter to conduct either horse racing or greyhound racing in an amount equal to \$.25 on each person paying for admission to any daily performance of horse racing or greyhound racing. The operator may collect the amount of such fee from the ticket purchaser in addition to the amount charged for the ticket of admission. Persons holding valid permits issued by a commission who are actually employed at a racing facility under the jurisdiction of such commission and spectators holding complimentary passes issued by an operator shall be exempt from the admission fee authorized by this section.”

Section 30. Horse Breeding Fund. Section 11-65-34, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-34. Horse breeding fund.

Each commission shall establish a special fund to promote the breeding, raising and racing of horses in the state, which shall be known as “The _____ [name of the sponsoring municipality] Racing Commission Breeding and Development Fund.” Each horse racing operator shall pay to its licensing commission a breeding fund fee for each month during which it conducts any horse racing events. For each horse racing operator, the breeding fund fee for any month shall be an amount equal to one-half of one percent [or, in the case of any such fee referable to any month during the period of three years immediately following such operator’s receipt of an operator’s license, one-quarter of one percent] of the horse racing handle for such operator for such month. The breeding fund fee payable by a horse racing operator for a given month shall be paid to the treasurer of the commission licensing such operator before the end of the succeeding month. All breeding fund fees received by a commission shall be deposited into its breeding fund.

Twenty percent of the aggregate amount of breeding fund fees received by each commission in each calendar year shall be set

aside for distribution to the schools of veterinary medicine of Auburn University and Tuskegee Institute. Each commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the breeding fund fees received in any calendar year shall be distributed not later than 60 days after the end of such calendar year. Each commission shall divide the 20 percent of the breeding fund fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the financial needs of each school to maintain accepted academic standards, the nature and quality of equine research conducted at each such school and such other factors as such commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than 25 percent of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each commission shall adopt rules and regulations governing the maintenance and administration of its breeding fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) To provide awards to breeders and owners of Alabama-bred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(2) To provide awards to stallion owners whose Alabama stallions have sired Alabama-bred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(3) To provide purse moneys for races conducted exclusively for Alabama-bred horses under conditions which have been approved by such commission;

(4) To advance and promote the breeding and raising of horses in the state by the publication and dissemination of information relating thereto;

(5) To promote equine research through grants to universities within the state; and

(6) To provide for the administration and management of such breeding fund.

Nothing contained in this chapter shall be construed to obligate any greyhound racing operator to pay any amount referable to the greyhound racing handle as a breeding fund fee."

Section 31. Concerning Certain Taxes. Section 11-65-35, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-35. Concerning certain taxes.

The state horse wagering fee, the commission horse wagering fee and any other fees or taxes imposed by this chapter shall constitute all license, privilege and excise taxes that may be imposed on horse racing and pari-mutuel wagering thereon conducted pursuant to this chapter, and no other license or excise tax may be imposed on such activities by the state or any county, municipality or other political subdivision thereof. The state dog racing privilege tax, the commission greyhound wagering fee and any other fees or taxes imposed by this chapter shall constitute all license, privilege and excise taxes that may be imposed on greyhound racing and pari-mutuel wagering thereon conducted pursuant to this chapter, and no other license, privilege or excise tax may be imposed on such activities by the state or any county, municipality or other political subdivision thereof. Nothing in this chapter, however, shall be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation, (1) income taxes levied by the state, (2) occupational taxes levied on wages by a sponsoring municipality or host county, (3) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (4) state and local sales taxes on merchandise sold by operators or their concessionaires at racing events."

Section 32. Application of Net Commission Revenues. Section 11-65-36, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-36. Application of net commission revenues.

All commission horse wagering fees, commission greyhound wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a commission shall be entitled under the provisions of this chapter shall be paid to the treasurer of such commission and shall be deposited by said treasurer to the account of such commission. Except for the gross profits of any commission racing day and the commission greyhound wagering fee referable to greyhound racing on such day that may be set aside for specific public entities or charitable organizations pursuant to section 11-65-30A(c), all such moneys to which a commission shall be entitled

that remain after (i) the payment of all expenses incurred in the administration of this chapter, including (without limitation thereto) the payment of the salaries and expenses of the members and employees of such commission, and (ii) the deposit into the breeding fund of all amounts required by section 11-65-34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) Nineteen percent of the net commission revenues shall be allocated to the sponsoring municipality provided however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, of the amount allocated to such municipality a sum equal to one percent of the net commission revenues shall be set aside for the retired employees of such municipality and shall be paid to the trustees of such municipality's retirement system for distribution to such retired employees once a year, during the Christmas season if practicable, with an equal amount to be paid to each retired employee irrespective of the amount of his or her regular retirement benefits, the length of his or her employment by such municipality before retirement, or any other factor;

(2) Ten percent of the net commission revenues shall be allocated in total to the county or counties in which the sponsoring municipality or any part thereof shall be located, subject to the conditions that

a. If the sponsoring municipality is located in more than one county, the portion of the said 10 percent of net commission revenues allocated to each such county shall be determined in proportion to the population of the sponsoring municipality residing in such county as determined by the most recent federal decennial census,

b. One-half of the amount of net commission revenues allocated to any county shall be used for countywide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

c. One-half of the amount of net commission revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) If the board of trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the sponsoring

municipality or any part thereof shall be located, nine percent of the net commission revenues shall be allocated to the board of trustees of the University of Alabama, subject to the conditions that

a. Such amount shall be used exclusively in the county or counties in which the sponsoring municipality or any part thereof shall be located;

b. One-twelfth of the amount of net commission revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the board of trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net commission revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees, and

c. One-twelfth of the amount of net commission revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the board of trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net commission revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees;

(4) Three percent of the net commission revenues shall be allocated in total to Jefferson State Community College;

(5) Three percent of the net commission revenues shall be allocated in total to Lawson State Community College;

(6) Two percent of the net commission revenues shall be allocated in total to public technical colleges located in the county or counties in which the sponsoring municipality or any part thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the two percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to Bessemer State Technical College;

(7) One percent of the net commission revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the sponsoring municipality;

(8) Seventeen percent of the net commission revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such school systems, the said seventeen percent of the net commission revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) If any incorporated municipalities other than the sponsoring municipality are located in the county or counties in which the sponsoring municipality or any part thereof shall be located, four and one-half percent of the net commission revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said four and one-half percent of the net commission revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) Four percent of the net commission revenues shall be allocated in total to any public fire districts or volunteer fire departments organized and operating in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such fire districts or volunteer fire departments, the said four percent of the net commission revenues shall be allocated among such fire districts and volunteer fire departments in proportion to the approximate number of single family residences and other buildings provided fire protection thereby, which number in the case of a public fire district shall be the paid membership thereof and in the case of a volunteer fire department shall be a census of the number of protected residences and other buildings confirmed by affidavit of the chief executive of such volunteer fire department;

(11) Two percent of the net commission revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority, which are located in the county or counties in which the sponsoring municipality shall be located and which serve predominantly poor and indigent patients; and if there shall be more than one of such hospitals, the said two percent of the net commission revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the commission for the purpose of making such allocation;

(12) One and one-half percent of the net commission revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to sections 41-9-320 through 41-9-330;

(13) One-half of one percent of the net revenues shall be allocated to the Alabama State Fair Authority established pursuant to Act No. 215 enacted at the 1947 regular session of the legislature of Alabama;

(14) One-half of one percent of the net commission revenues shall be allocated in total to public bodies that operate art museums in the sponsoring municipality; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one-half of one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Birmingham Museum of Art; and

(15) If and to the extent that the allocations of net commission revenues described in this subdivision (15) can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the commission shall allocate and disburse the following percentages of the net commission revenues for the following purposes:

a. Three percent of the net commission revenues shall be allocated in total to private, not-for-profit colleges which are located in the host county and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

b. Three percent of the net commission revenues shall be allocated in total to private, not-for-profit law schools which are located in the host county and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the three percent of the net commission revenues referred to in paragraph a. of this subdivision (15) shall be allocated in its entirety to Miles College and the three percent of the net commission revenues referred to in this paragraph b. shall be allocated in its entirety to the Law School of Miles College;

c. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the sponsoring municipality and that promote economic development in the sponsoring municipality and the surrounding metropolitan area; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Metropolitan Development Board;

d. Six percent of the net commission revenues shall be allocated in total to private not-for-profit hospitals located in the sponsoring municipality that primarily provide care for children;

e. Two percent of the net commission revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

f. One and one-half percent of the net commission revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the sponsoring municipality and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, one percent of the net commission revenues referred to in this paragraph shall be allocated to Partners in Neighborhood Growth and the remaining one-half percent of the net commission revenues referred to in this paragraph shall be allocated to the Fourth Avenue Center of the Young Men's Christian Association;

g. One percent of the net commission revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the sponsoring municipality;

h. One percent of the net commission revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the sponsoring municipality;

i. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations (including any local chapter or affiliate) which sponsor and support research for the prevention or correction of birth defects and which are located in any county in which the sponsoring municipality or any part thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the March of Dimes Birth Defects Foundation-North Alabama Chapter;

j. One and one-half percent of the net commission revenues shall be allocated in total to not-for-profit organizations which provide shelter, care and counselling for abused and neglected women

and children and which are located in any county in which the sponsoring municipality or any part thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, one percent of the net commission revenues referred to in this paragraph shall be allocated to Prescott House, Inc. and the remaining one-half percent of the net commission revenues referred to in this paragraph shall be allocated to the Child Advocacy Center in Bessemer;

k. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations which operate orphanages for abandoned or mentally disturbed children and which are located in the sponsoring municipality; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Gateway Orphanage operated by Family and Child Services;

l. One-half of one percent of the net commission revenues shall be allocated to the Alabama Symphony Orchestra; and

m. One-half of one percent of the net commission revenues shall be allocated in total to not-for-profit organizations which provide shelter and care for abandoned or abused animals and which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one county in which such an organization or organization exists, the said one-half of one percent of the net commission revenues shall be allocated among such counties in proportion to their population as determined by the most recent federal decennial census; and the amount so allocated to each county shall be apportioned among qualifying organizations in each such county in accordance with the commission's determination of need and merit, taking into account the number of animals handled by each such organization during the most recent calendar year.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of net commission revenues made pursuant to any of paragraphs a. through m. inclusive, of subdivision (15) of this section, then, and in such case, a commission shall apportion such allocation among all institutions or organizations which evidence to such commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions

and organizations of each generic category in an equitable manner to be determined by the commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the net commission revenues pursuant to the provisions of this section.

A commission and the individual members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the attorney general of the state of Alabama that a portion of the net commission revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of subdivision (15) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of net commission revenues to any such institution or organization.

If any allocation of any portion of the net commission revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this chapter authorizing such allocation, lack of lawful authority by a commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this chapter other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of net commission revenues under this chapter. Any portion of the net commission revenues that, for any reason, cannot be allocated in accordance with the specific provisions of any of subdivisions (1) through (15) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of net commission revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any net commission revenues that could not be allocated in accordance with the specific provisions of said subdivisions (1) through (15).

It is hereby expressly declared that the primary purpose of this chapter is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this chapter to provide funds for

the various governmental bodies and public or private institutions and organizations to which allocations of portions of the net commission revenues of each commission are made pursuant to this section. The legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the sponsoring municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the net commission revenues may fail because of legal invalidity or other reasons. The allocations of net commission revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this chapter. Therefore, the legal invalidity or other failure of one or more allocations of net commission revenues made pursuant to this section should not impair the general validity of this chapter or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of net commission revenues made to any governmental body or any institution or organization is of such character as to cause this chapter to be a local act, it is the legislative intent that the provisions for such allocation be severed from this chapter and thereby prevented from causing this chapter to be a local act."

Section 33. Conducting Race Without License Prohibited; Wagering on Certain Races Prohibited. Section 11-65-37, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-37. Conducting race without license prohibited; wagering on certain races prohibited.

Any person who, directly or indirectly, holds any horse race or greyhound race without having procured an operator's license as prescribed in this chapter shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an operator in accordance with the provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than \$1,000.00, nor more than \$10,000.00, or imprisonment of not less than ten days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court."

Section 34. Disqualification Due to Gambling Activities. Section 11-65-38, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-38. Disqualification due to gambling activities.

No person who engages in the practice of professional gambling on horse races or greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any horse racing facility license or any operator's license to conduct horse racing or greyhound racing and pari-mutuel wagering thereon under the provisions of this chapter, or to be connected with such licensed activities in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this chapter.”

Section 35. Tampering with Racing Animals Prohibited. Section 11-65-39, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-39. Tampering with racing animals prohibited.

No person shall influence or have any understanding or connivance with (i) any owner, trainer, jockey, driver, groom or other person associated with or interested in any stable, horse or race in which any horse participates, or (ii) any owner, trainer, handler, groom or other person associated with or interested in any kennel, greyhound or race in which any greyhound participates, to prearrange or predetermine the results of any horse race or greyhound race, nor shall any person stimulate or depress a horse or greyhound, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse or greyhound through the administration of any drug or chemical, or knowingly enter any horse or greyhound in any race within a period of 24 hours after any drug or chemical has been administered to such horse or greyhound, for the purpose of increasing or retarding the speed of such horse or greyhound.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse or greyhound entered or about to be entered in any race, or expose such substance to a horse or greyhound with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse or greyhound, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than 10 years, or fined not less than \$5,000.00 nor more than \$50,000.00 or both, in the discretion of the court."

Section 36. Transmission of Racing Information Prohibited. Section 11-65-40, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-40. Transmission of racing information prohibited.

With the exception of televised simulcast programming of horse races and greyhound races authorized in accordance with section 11-65-32, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race or greyhound race from any racetrack in a commission municipal jurisdiction between the period of time beginning one hour prior to the first race of the day and ending 30 minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than 15 minutes after the official posting of such results; provided, however, that a commission may by rule permit the immediate transmission by radio, television (other than televised simulcast programming pursuant to section 11-65-32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes. It is the legislative intent that the improper use of instruments of communication referred to in the preceding sentence is prohibited and not the possession or lawful use of such instruments on the premises of any racing facility under the jurisdiction of a commission, and nothing contained in this chapter shall be construed to prohibit, or to authorize a commission to prohibit, the location of public telephones in or about a racing facility or the possession of portable telephones by members of the general public when attending racing events.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than 10 years, or fined not less than \$5,000.00 nor more than \$50,000.00, or both, in the discretion of the court."

Section 37. Possession of Certain Drugs Prohibited. Section 11-65-41, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-41. Possession of certain drugs prohibited.

The possession or transportation of any drug or chemical within the racing enclosure of a racing facility under the jurisdiction of a commission is prohibited except for those permitted by regulations of the commission or those justified by a bona fide veterinarian's prescription with a complete statement of uses and purposes on the container. Depending upon whether such prescription is for a horse or a greyhound, a copy thereof shall be filed with the stewards for horse racing or the judges for greyhound racing, as the case may be.”

Section 38. Presence of Underage Persons Prohibited. Section 11-65-44, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-65-44. Presence of underage persons prohibited.

No person under 19 years of age shall be employed for any purpose in or about a racing facility where either horse racing or greyhound racing is conducted pursuant to any license issued by a commission under the provisions of this chapter, except in a job which does not allow or require contact with members of the public engaged in wagering activities, such as the job of groom, animal exerciser, stable attendant, parking attendant or office worker. No person under 19 years of age shall be admitted to performances of horse racing or greyhound racing which are the subject of parimutuel wagering at any such racing facility, nor shall any person under 19 years of age be permitted to wager on any horse race or greyhound race conducted at such racing facility, nor shall any person employed by an operator accept a wager on any horse race or greyhound race from any person under 19 years of age.”

Section 39. Repeal of Exemption From Jurisdiction of State Racing Commission. Section 11-65-45, Code of Alabama 1975, exempting a commission from the jurisdiction of a state racing commission, is hereby repealed in its entirety.

Section 40. Limitation of Personal Liability of Commission Members and Officers. Section 11-65-46, Code of Alabama 1975, relating to county elections to approve incorporation of a commission is hereby repealed in its entirety and the following new section designated 11-65-45 shall be substituted therefor:

“§ 11-65-45. Limitation of personal liability of commission members and officers.

An individual member of a commission or any officer, employee or agent thereof shall not in any way be personally liable for any liability, loss, damage or expense suffered by any person as the result of any action taken by such commission, unless such liability, loss, damage or expense arises out of or results from the willful misconduct or wrongdoing of such member, officer, employee or agent."

Section 41. Applicability of Chapter; Severability of Provisions. Section 11-65-47, Code of Alabama 1975, is hereby redesignated 11-65-46 and amended to read as follows:

"§ 11-65-46. Applicability of chapter; severability of provisions.

Insofar as the provisions of this chapter may be inconsistent with the provisions of any other law concerning activities and actions authorized by this chapter, the provisions of this chapter shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing or greyhound racing and gambling or pari-mutuel wagering thereon shall not be applicable to any activities or actions authorized by and regulated pursuant to the provisions of this chapter.

The provisions of this chapter are expressly declared to be severable. If any provision of this chapter shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of net commission revenues or other provision which, if not severed from this chapter, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this chapter in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this chapter, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered."

Section 42. Section Captions. The section headings or captions contained in this act are included for convenience only and should not be considered a part of this act or affect in any manner the construction or interpretation of this act.

Section 43. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 28, 1991 without approval by the Governor.

Act No. 91-188

H. 571 — Reps. Freeman, Hall

AN ACT

To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Huntsville in Madison County are hereby altered, extended, rearranged, and redefined so as to exclude certain territory from the corporate limits of said municipality:

The east half of the west half of the northwest quarter and 22 acres evenly off the west side of the east half of the northwest quarter of Section 36, Township 2, Range 1 west. Also, the north 37 acres of the west 100 acres of the southwest quarter of Section 36, Township 2, Range 1 west and also, the north 4 acres of the east seven and one-half acres of the southeast quarter of Section 35, Township 2, Range 1 west, containing in the aggregate 103.65 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 28, 1991 without approval by the Governor.

Act No. 91-189

H. 12 — Rep. Mathis

AN ACT

Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Geneva County shall levy, in addition to all other taxes, licenses and fees of every kind now imposed by law, an annual license tax and registration fee in the amount of three dollars (\$3.00) upon every motor vehicle, as defined in Section 40-12-240, Code of Alabama 1975, which is

owned by any individual who is a resident of Geneva County and upon every such vehicle used or operated in said county and owned by any corporation, firm or association which has an office or place of business in said county. The county license tax and registration fee shall become due on the due date of the state license and registration fee levied under the provisions of article 5, chapter 12 of Title 40 of the Code of Alabama 1975, next following the levy of said county license tax and registration fee by the governing body of Geneva County, and at the same time each year thereafter.

Section 2. The officer who collects the state license and registration fee levied on such motor vehicles pursuant to article 5, chapter 12 of Title 40 of the Code of Alabama 1975, shall collect the annual license tax and registration fee authorized by this act from the owner of the motor vehicle at the time he collects the state license and registration fee levied on such motor vehicles. Said officer shall maintain complete records of each transaction on forms to be prescribed and furnished by the governing body of Geneva County, but the officer shall not be allowed any fee for collecting the county license tax and registration fee. Until the county license tax and registration fee has been paid, the officer shall not issue a motor vehicle license tag for use on any motor vehicle upon which a license tax and registration fee is imposed pursuant to this act.

Section 3. Motor vehicles owned and used by the state, and counties or municipalities of this state, shall not be liable for the payment of the county license tax and registration fee authorized by this act. Farm tractors and other motor vehicles used exclusively for agricultural purposes shall be exempt from the provisions of this act.

Section 4. The purchaser of any motor vehicle shall have seven days from the date of acquisition within which to pay the county license tax and registration fee authorized herein.

Section 5. The governing body of Geneva County shall have the power and authority to adopt and promulgate rules and regulations necessary for the collection and enforcement of the county license tax and registration fee authorized by this act.

Section 6. No motor vehicle upon which a county license tax and registration fee is imposed pursuant to this act shall be operated upon the public highways of Geneva County until said tax and fee have been paid as herein provided.

Section 7. The proceeds of the county license tax and registration fee authorized by this act shall be paid into the county general fund and shall be allocated by the county governing body as follows:

(a) 5% for the cost of levying, administering, collecting and enforcing the license tax and registration fee prescribed herein; and from the remaining 95%;

(b) 33.33% to be divided equally among existing senior citizen programs operated within the county; and

(c) 66.67% to be divided equally among the rescue squad serving Samson, the rescue squad serving Geneva, the rescue squad serving Hartford and the rescue squad serving Slocomb.

The county governing body shall have authority to require the recipients of said proceeds to provide an accounting to the county governing body of how said proceeds were expended.

Section 8. The provisions of this act shall become operative in Geneva County, only if: 1) a local constitutional amendment for Geneva County authorizing the levy of a county license tax and registration fee on motor vehicles is adopted and ratified, and 2) said provisions of this act are approved by a majority of the qualified electors of Geneva County who vote thereon in a referendum election to be held at the same time that the local constitutional amendment election described herein is held. Said referendum may be held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows:

“Shall Act No. 91- of the 1991 Regular Session of the Legislature which provides for a county license tax and registration fee on motor vehicles with the proceeds allocated to certain rescue squads, senior citizen programs and administration costs be approved? Yes_____ No_____.”

If a majority of votes cast at such election are “Yes” votes and a local constitutional amendment for Geneva County authorizing the levy of a county license tax and registration fee on motor vehicles is adopted, then this act shall have full force and effect. If a majority of the votes cast are “No” votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Geneva County. Such notice shall be published once a week for three successive weeks before the day of the election. The cost of the election shall be paid out of the county general fund. The judge of probate shall certify the results of the election to the secretary of state immediately after the returns have been certified.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise provided herein.

Approved July 3, 1991

Time: 4:00 P.M.

Act No. 91-190

H. 13 — Rep. Mathis

AN ACT

Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other authority now vested in the Geneva County Commission, the commission shall be authorized to set the necessary policies and priorities for the construction, maintenance and repair of all public roads, county highways, bridges, ferries and public facilities within the county, to insure a safe and adequate road system, upon a resolution duly passed and a public hearing thereon. It shall be the further duty of each associate member of the commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public service generally. It shall be the duty of the county engineer to provide the necessary equipment and personnel to respond to any request of an emergency nature made by an associate member of the commission or any citizen in the absence of a commissioner wherever and whenever an emergency shall arise.

Section 2. The county commission shall appoint and employ a county engineer, who shall be a thoroughly qualified and competent professional engineer not required to be a land surveyor, but otherwise possessing all of the qualifications as specified for

county engineers under the general laws of the state of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the county public roads, highways, bridges, ferries, and other county engineering projects and shall, during his employment, reside in Geneva County, Alabama. The said county engineer shall serve at the pleasure of the Geneva County Commission.

Section 3. It shall be the duty of the county engineer, in accordance with policy established by the commission, within the law of the state of Alabama to: (1) employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges, and ferries of Geneva County, and he shall have authority to prescribe their duties, and to discharge said employees for cause; (2) perform such engineering service and surveying as may be required; (3) maintain the necessary accounting records to reflect the cost of the county highway system; (4) in accordance with the policies and priorities established by the commission, to build or construct new roads, or change old roads; (5) to locate within the various districts of the county the necessary equipment to perform routine maintenance of all public roads, highways, bridges and ferries on a continuing basis; and (6) it shall be his further duty, insofar as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. It shall be the duty of the commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, ferries, and public facilities and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 5. The commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from appropriate road and highway funds.

Section 6. Before entering upon his duties, the said county engineer shall make and enter into a surety bond in the amount of five thousand dollars (\$5,000.00), payable to Geneva County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said county, which may come into his possession or custody. Said bond shall be executed by a surety company authorized and qualified to do business in Alabama, and be approved by the commission. The premiums thereon shall be paid by the county.

Section 7. The commission shall furnish the county engineer with an office within the county and all necessary office

supplies, equipment, communication, utilities and with necessary transportation to accomplish his duties under this act.

Section 8. The county engineer shall be the custodian of all road machinery and equipment, tools, supplies, and repair parts owned by the county, and he shall be accountable to the commission for the same at all times. The commission shall establish necessary policy and regulations governing accountability and relief therefrom. The commission shall furnish the necessary storage and repair facilities for said tools, machinery, supplies and equipment, and the county engineer shall keep on file in his office, at all times, an up-to-date inventory containing a list of all said tools, machinery, equipment and supplies belonging to the county.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges, ferries, or any other duties for the county as may be set aside and appropriated by the commission as hereinafter provided; it shall be the duty of said commission at some meeting in September of each calendar year or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of the funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of the county for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in the county during said period; provided, however, that said commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general laws of the state. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present county commission, immediately upon the effective date, it shall be the duty of the commission to set aside a sufficient portion of said funds for the maintenance of said roads, bridges, and ferries until the meeting in September or October 1991, as hereinabove provided for.

Section 10. The county engineer shall make written requisition to the county purchasing agent for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges and ferries of the county. Such requisitions shall be filed and presented by the chairman to the commission at its next meeting, for the approval of the commission. Provided, however, that the county purchasing

agent shall have full power and authority to make said purchases without first obtaining the approval of the commission if the delay might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system, providing said purchases are made in accordance with prevailing law. The county purchasing agent shall be solely responsible and accountable for purchasing the materials, machinery, equipment and supplies under the approved requisitions, and shall report monthly to the county commission.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies purchased by the county for use on public roads, bridges and ferries, when the same is delivered, and the same shall neither be accepted nor paid for without its first having been approved by him and any deviation shall be reported by the engineer to the commission.

Section 12. In the event an emergency should arise, in which it would be impossible for the commission to employ an engineer, as hereinabove provided for, then, in that event, the commission shall employ a competent road supervisor who need not be an engineer, but, when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this act; but an emergency shall not exist longer than necessary to employ a qualified engineer who will accept employment by said commission under the terms of this act, it being the intention of this act to provide that, when county roads, bridges and ferries are to be maintained or constructed in said county, the supervision thereof shall be under a qualified engineer.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. The commission, prior to implementing any provision of this act, shall first by resolution call for a public hearing on the question and thereafter set an advisory referendum for the qualified electors of the county held for such purpose. On the ballot at the next general, special or county-wide election, the following question, or substantially the following question, shall be presented to the electors of Geneva County:

“Do you favor the adoption of Act No. 91-____ of the 1991 Regular Session which places Geneva County on a unit system of public road and bridge maintenance by a county engineer?

Yes_____ No_____”

Section 16. (a) The Geneva County Commission shall fully implement the provisions of this act within 30 days of the election which approves placing Geneva County on a unit system of public road and bridge maintenance by a county engineer. If any commissioner fails to implement this act, the salary of such commissioner, or commissioners as the case may be, shall be suspended until he or she has complied with the provisions of this act.

(b) Provided, however, if the electorate fails to pass the ballot which places Geneva County on a unit system of public road and bridge maintenance by a county engineer, the public roads, highways, bridges and ferries in Geneva County shall be constructed, maintained and repaired by the authorities established prior to the enactment of Act No. 85-585, H. 881, of the 1985 Regular Session (Acts 1985, p. 897).

Section 17. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, except as otherwise herein provided.

Approved July 3, 1991

Time: 4:01 P.M.

Act No. 91-191

H. 407 — Reps. Curry, Petelos

ACT ACT

Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the term "license tag" shall include decals.

Section 2. Section 8 of Act No. 970, S. 378, 1961 Regular Session, as amended, is hereby further amended to read as follows:

"Section 8. The Judge of Probate shall charge and collect an additional fee of 50 cents (\$.50) for each motor vehicle license tag issued by mail. This fee shall be paid with the mailed request for license tags. Such additional fee shall be paid by the Judge of Probate into the county treasury and the actual expense of mailing application forms to the owners of the motor vehicles and of mailing tags as hereinabove provided shall be paid from the county treasury upon warrant signed by the Judge of Probate and approved as

provided by law. Provided, however, in all counties having a population of 600,000 or more according to the last or any subsequent federal census, the Director of Revenue shall charge and collect a fee set by the governing body of the county, not to exceed Two Dollars (\$2.00) for each motor vehicle license tag issued by mail."

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:03 P.M.

Act No. 91-192

H. 483 — Reps. Newton (D), Petelos,
Perdue, Rogers (F)

AN ACT

Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), are hereby amended to read as follows:

"Section 3. After the passage of said resolution, such municipality shall cause to be conspicuously posted upon the street or other right of way in front of the property on which such nuisance exists, at not more than one hundred feet in distance apart, but not less than two in all, notices headed 'Notice to Destroy Weeds,' such heading to be in words not less than one inch in height and substantially in the following form:

'NOTICE TO DESTROY WEEDS

'Notice is hereby given that on the _____ day of _____, 199__, the (Name of Governing Body) passed a resolution declaring that noxious or dangerous weeds were growing upon the property

on _____ Street, and in said _____, and more particularly described in said resolution, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weed, otherwise they will be removed and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

'All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the (Name of Governing Body) of said (City or Town) to be held (give date), when their objections will be heard and given due consideration.

'Dated this _____ day of _____, 19__.

Name of City

By:

City Clerk'

"Said notice shall be posted at least twenty-one (21) days prior to the time for hearing objections by the governing body of the municipality. A copy of such notice shall be given by registered or certified mail to the person, firm, or corporation last assessing the property for state taxes not less than twenty-one (21) days prior to such hearings. The mailing of such certified or registered mail notice by the City Clerk of such city, postage prepaid and properly addressed shall constitute the giving of notice as required herein. In the event of multiple ownership, additional notices shall be mailed to each except that as to corporate ownership notice shall be deemed to be adequate if made to the President of said corporation."

"Section 7. At the time fixed for receiving and considering said report, the governing body shall consider and hear the same, together with any objection which may be raised by any person, firm or corporation claiming an interest in said property as to the cost of work abating said nuisance, and thereupon make such adjustments in the cost of such work as they deem proper and just, after which, by resolution, said report shall be confirmed in the amount of cost properly incurred by such municipality in abating said nuisance.

"The amounts of the cost for abating such nuisance upon the various parcels of land, mentioned in said report shall constitute special assessments against the respective parcels of land and as

thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively, and may, at the option of the governing body, be enforced as any other lien for municipal or other improvements. After confirmation of said report a copy may be turned over to the appropriate official or employee of the county which is charged with the collection of property taxes or assessments, whereupon it shall be the duty of said official or employee to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same commissions and fees, as well as the same procedure under the foreclosure and sale in case of delinquency as provided for ordinary municipal taxes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:04 P.M.

Act No. 91-193

H. 526 — Reprs. Petelos, Curry, Newton (D)

AN ACT

Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Jefferson County shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations when the same are found by the county commission to be unsafe to the extent of being a public nuisance from any cause.

Section 2. The term "appropriate county official" as used in this act shall mean any county building official or deputy and any other county official or county employee designated by the county

commission as the person to exercise the authority and perform the duties delegated by this act. Whenever the appropriate county official of Jefferson County shall find that any building, structure, part of building or structure, party wall or foundation situated in Jefferson County is unsafe to the extent that it is public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes and all mortgagees of record, by certified or registered mail to the address on file in the tax collector's office, notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall not be less than sixty (60) days or suffer such building or structure to be demolished by the county and the cost thereof assessed against the property. The mailing of such certified or registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, shall, within three (3) days of the date of mailing, also be posted at or within three (3) feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty (60) days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the county commission, together with his objections to the finding by the said county official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of the county official until determination thereon is made by the county commission. Upon holding such hearing, which hearing shall be held not less than five (5) nor more than thirty (30) days after such request, or in the event no hearing is timely requested, the county commission, after the expiration of sixty (60) days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. In the event that it is determined by the county commission that such building or structure is unsafe to the extent that it is a public nuisance, the county commission shall order such building or structure to be demolished. Such demolition may be accomplished by the county by the use of its own forces, or it may provide by contract for such demolition. The county shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within ten (10) days thereafter, appeal to the circuit court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be

approved by said circuit clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the appropriate county official and said appeal shall be docketed in said court, and shall be a preferred case therein. The appropriate county official shall, upon receiving such notice, file with the clerk of the court a copy of the findings and determination of the county commission in the proceedings and trial shall be held without jury upon the determination of the county commission that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate county official shall make a report to the county commission of the cost thereof, and the county commission shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of said demolition; and, provided further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The appropriate county official shall give notice of the meeting at which the fixing of such costs are to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax collector's records on the property or is otherwise known to the official. The fixing of said costs by the county commission shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes and shall continue in force until paid. A certified copy of such resolution shall also be filed in the office of the judge of probate of the county. Upon such filing, the tax collector of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect said amount as if it were a tax and remit said amount to the county.

Section 5. The county commission shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land where such demolition or removal has taken place, purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person or persons authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect

the lien of the county for such assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to such assessment. Such assessment shall then be added to the tax bill of the property, collected as a tax and remitted to the county.

Section 6. This act shall be cumulative in its nature and in addition to any and all power and authority which the county commission may have under any other law.

Section 7. The provisions of this act are severable. If any part or application of the act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the parts or applications that remain.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:05 P.M.

Act No. 91-194

H.J.R. 285 — Reps. Hill, Payne, Hawkins,
Biddle, Sanderson, Knight,
Curry, Morton, Rogers (F)

HOUSE JOINT RESOLUTION

COMMENDING JAN WATTS OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING LEADERSHIP AND DEDICATED SERVICE TO THE BIRMINGHAM ASSOCIATION OF REALTORS.

WHEREAS, Jan Watts, a prominent Birmingham realtor and a dedicated member of the Birmingham Association of REALTORS, has distinguished herself in leadership of the association as 1989 chairman of the Convention Committee and as current chairman of the 1991 Program Committee and ex officio director; and

WHEREAS, Mrs. Watts, who received the Bachelor of Arts and Master's degrees in music education from the University of Montevallo, served as producer and director of the Birmingham REALTORS' inaugural production of REALTOR Follies performed April 14 and 15, 1991, at UAB's Bell Theatre in Birmingham; and

WHEREAS, the first ever REALTOR Follies was received with acclaim by its audiences, and was hailed as a major achievement

by patrons, cast and crew alike, all of whom credited Jan Watts for the production's tremendous success; and

WHEREAS, Mrs. Watts was indeed the instrumental force and the single most important factor behind the first REALTOR Follies, having devoted untold hours in organizing the Follies from start to finish, including its original inception, auditions, rehearsals, promotion and ticket sales, among the countless other responsibilities of a director and producer; and

WHEREAS, in addition, however, to her involvement in activities of the Birmingham Association of REALTORS, Mrs. Watts also provides professional leadership as 1991 president of the Birmingham Chapter of the Women's Council of REALTORS, and is kept quite busy with other important duties as the wife of W. A. Watts, III, and the mother of Chip, Christi, Michael and David; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding leadership and dedication to the Birmingham Association of REALTORS as producer and director of the REALTOR Follies for 1991, we hereby commend Jan Watts, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved July 3, 1991

Time: 4:06 P.M.

Act No. 91-195

H.J.R. 259 — Reps. Zoghby, Morrow, Petelos, Hill, Hawkins, Thomas, Ford, Cosby, Beasley, Holladay, Escott-Russell, Gaines, Smith (C), White, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper,

Harvey, Haynes,
 Higginbotham, Hogan, Holley,
 Holmes, Hooper, Johnson,
 Kennedy, Knight, Kvalheim,
 Laird, Layson, Letson,
 Lindsey, Mathis, McClain,
 McDaniel, McDowell, McKee,
 McMillan, Melton, Mikell,
 Millican, Morton, Newman,
 Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson, Smith
 (R), Spratt, Starkey, Turner,
 Turnham, Venable, Walker,
 Warren, Williams, Willis

HOUSE JOINT RESOLUTION

DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.

WHEREAS, the Independent Community Bankers Association of Alabama was formed in 1986 by independent community bankers dedicated to quality personal service for their customers and their communities; and

WHEREAS, the independent community banks of Alabama have made many significant contributions to the economic well-being of this state for the past 100 years by providing vital support to enhance the growth and prosperity of the communities they serve; and

WHEREAS, there are more than 170 locally owned and operated independent banks in Alabama, with more than 450 banking offices located in small towns, rural areas, suburbs, and cities throughout the state; collectively, these banks represent more than \$9 billion in assets; and

WHEREAS, as active participants in their communities, these banks contribute to local economies as the employers of 13,500 Alabamians statewide; they also serve as economic focal points for their communities, reinvesting between 85 and 100 percent of their loan portfolios in local projects and businesses; and

WHEREAS, independent community banks have currently invested more than \$5 billion in residential, commercial, and agricultural loans to benefit Alabama citizens; through their ongoing

support of local economies, independent community banks have greatly enhanced the quality of life for countless citizens of our state, and they are indeed deserving of special praise and recognition for their contributions in this regard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate September 15-21, 1991, as "Independent Community Banking Week" in Alabama in recognition of the important contributions made by the independent community banks of this state.

Approved July 3, 1991

Time: 4:07 P.M.

Act No. 91-196

H. 164 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend sections 34-13-70 and 34-13-90 of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the board of funeral service with the additional recommendation for statutory changes as set out in Section 3 hereof.

Section 2. The existence of the board of funeral service, created and functioning pursuant to Sections 34-13-1 through 34-13-152 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-13-70 and 34-13-90, Code of Alabama 1975, are hereby amended to read as follows:

"§34-13-70 .

"(a) No person shall engage in, or attempt to engage in, the practice or profession or business of a funeral director unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue license to funeral directors.

"(b) Any person desiring to engage in the business, profession or practice of funeral director shall make application to the board and shall accompany his application by a fee to be established by the board, not to exceed \$100.00, whereupon the board shall fix the time and place for the examination of the applicant and shall notify the applicant thereof.

“(c) In addition, the board shall establish and charge a reasonable examination fee, based on actual costs, for each applicant who sits for an examination, however, in no event shall the fee exceed \$25.00 above the actual cost of preparing and administering such exam.”

“§34-13-90.

“(a) No person shall follow, engage in or hold himself out as engaged in the practice as an embalmer unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue licenses to embalmers.

“(b) All persons shall qualify for examination in accordance with the provisions of this chapter and shall be licensed as an embalmer only after due examination by the board and the payment of an examination and license fee to be established by the board, not to exceed \$100.00.

“(c) In addition, the board shall establish and charge a reasonable examination fee, based on actual costs, for each applicant who sits for an examination, however, in no event shall the fee exceed \$25.00 above the actual cost of preparing and administering such exam.”

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:08 P.M.

Act No. 91-197

H. 161 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the state licensing board for general contractors with the additional recommendations for statutory changes as set out in section 3 hereof.

Section 2. The existence of the state licensing board for general contractors, created and functioning pursuant to sections 34-8-1 through 34-8-27 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-8-2, 34-8-4 and 34-8-25, Code of Alabama 1975, are hereby amended to read as follows:

“§34-8-2.

“(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by \$200.00 for a new application or \$100.00 in case of a renewal. If a licensee fails to renew his license within 90 days following expiration of the previous license, a late penalty of \$50.00 shall be collected, upon renewal, in addition to the renewal fee. The applicant shall apply for a license covering the type or types of contracts on which he wishes to perform, and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis: the applicant's request, his last annual financial statement prepared by a certified public accountant (C.P.A.), or by any independent licensed public accountant approved by the licensing board for general contractors, his previous experience, equipment and the facts in each case. An applicant shall not be so classified as to permit him to bid on or to perform a type of work not included in his request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the state of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his license and also setting out a letter symbol indicating the maximum limits on which he is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula

of not more than 10 times the net worth as shown by the applicant's latest financial statement and designated in the classification set out herein that is the closest to this amount. Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence; and (2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When an applicant's statement qualifies for an amount in excess of classification 'E', the limits shall then be set as classification 'U' — Unlimited. The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking:

"A — Not to exceed	\$ 100,000.00
"B — Not to exceed	250,000.00
"C — Not to exceed	500,000.00
"D — Not to exceed	1,000,000.00
"E — Not to exceed	3,000,000.00
"U — Unlimited	

"(b) Any person failing to pass such examination may be reexamined at any regular or call meeting of the board. The certificate of authority to engage in the business of general contracting in the state of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewal of a license, the board shall reclassify or confirm the license both as to the types of work and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his bid limit or a change in his classification. Application for renewal of a license, together with the payment of a fee of \$100.00, received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. At the discretion of the board, a limited license may be issued for a particular project.

"The sum or fee of \$200.00 accompanying original applications and sum or fee of \$100.00 accompanying applications for renewals under this section are for the administration and enforcement of the provisions of this chapter and shall not be refunded to the applicant."

"§34-8-4.

"(a) The board shall have the disciplinary power to levy and collect an administrative fine of not less than \$100.00 nor more than \$500.00 for any licensee who violates any provision of this chapter or the rules and regulations of the board.

"(b) The board shall have the additional power to revoke the certificate of license of any general contractor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence or misconduct in the conduct of business. Any person may prefer charges of such fraud, deceit, negligence or misconduct against any general contractor licensed hereunder. Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within 90 days after the date on which they were preferred. The hearing shall be held at the office of the state licensing board for general contractors in Montgomery, Alabama. A copy of the charges, together with the notice of the time and place of hearing, shall be legally served on the accused by the secretary of the board, any sheriff in the state or by registered or certified mail, at least 10 days before the fixed date for the hearing; and, in the event that such service cannot be effected 10 days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him, her or them and to produce evidence of witnesses in his, her or their defense. If after said hearing the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town or county in the state of its findings in the case of the revocation or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed or mutilated may be issued subject to the rules and regulations of the board."

"§34-8-25.

"The secretary-treasurer shall keep a record of the proceedings of said board, shall receive and account for all the moneys derived from the operation of this chapter and shall deposit, or cause to be deposited, all such moneys in the state treasury to the credit of the state licensing board for general contractors; and said funds shall be subject to withdrawal only upon warrant of the state comptroller to be issued upon certificate or voucher certified by the secretary-treasurer of the board. Any funds remaining in the state treasury to the credit of the state licensing board for general contractors at

the end of each year shall be paid into the general fund of the state on or before January 15 in each succeeding year. The board has the right, however, at all times to retain a sum not in excess of \$30,000.00 to meet any emergency that may arise which may affect its efficient operation."

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:09 P.M.

Act No. 91-198

H. 165 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the hearing aid dealers licensing

board with the additional recommendations for statutory changes as set out in Section 3 hereof.

Section 2. The existence of the hearing aid dealers licensing board, created and functioning pursuant to sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-14-1, 34-14-2, 34-14-3, 34-14-4, 34-14-6, 34-14-7, 34-14-8, 34-14-9, 34-14-10, 34-14-11 and 34-14-30, Code of Alabama 1975, are hereby amended to read as follows:

“§34-14-1.

“For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

“(1) STATE BOARD. The state board of health.

“(2) LICENSE. A license issued by the state under this chapter to a hearing aid fitter or dispenser.

“(3) APPRENTICE PERMIT. A permit issued while the applicant is in training to become a licensed hearing aid fitter.

“(4) BOARD. The board of hearing aid dealers.

“(5) HEARING AID. Any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including earmold, but excluding batteries and cords.

“(6) PRACTICE OF FITTING AND DEALING IN HEARING AIDS. The measurement of human hearing by means of an audiometer or by other means approved by the board solely for the purpose of making selections, adaptations or sale of hearing aids. The term also includes the making of impressions for earmolds. A dealer, at the request of a physician or a member of related professions, may make audiograms for the professional's use in consultation with the hard-of-hearing.

“(7) SELL or SALE. Any transfer of title or of the right to use by lease, bailment or any other contract, excluding wholesale transactions with distributors or dealers.

“(8) FITTER. A trained, licensed person who shall engage in the practice of fitting and dealing in hearing aids only under the direct supervision of a hearing aid dispenser.

“(9) DISPENSER. Any trained person who shall meet all requirements of this chapter for licensure and who may engage in

the practice of fitting and dealing in hearing aids without the direct supervision of any person.”

“§34-14-2.

“(a) No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting and sale of hearing aids unless he holds a license issued by the state board as provided in this chapter. The license shall be conspicuously posted in his office or place of business. Duplicate licenses shall be issued by the state board to valid license holders operating more than one office, without additional payment. A license under this chapter shall confer upon the holder the right to select, fit and sell hearing aids.

“(b) Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license; provided, that it employs only properly licensed natural persons and that it shall have at least one licensed Alabama dispenser on its staff to provide direct supervision of any license fitters or apprentices employed in the direct sale and fitting of such products. Such corporations, partnerships, trusts, associations or other like organizations shall file annually with the state board a list of all licensed hearing aid dealers and fitters directly or indirectly employed by them. Such organizations shall also file with the state board a statement on a form approved by the state board that they submit themselves to the rules and regulations of the state board and the provisions of this chapter which the state board shall deem applicable to them.”

“(c) Nothing in this Act shall apply to physicians licensed to practice medicine or employees under the supervision of a physician licensed to practice medicine, or to the professional corporation or professional association of such physicians.”

“(d) Nothing in this Act shall apply to licensed speech pathologists or to licensed audiologists.

“§34-14-3.

“(a) The state board shall register each applicant without discrimination or examination who pays an examination fee of \$25.00 and who satisfactorily passes an examination as provided in section 34-14-4, and upon the applicant's payment of the application fee, shall issue to the applicant a license signed by the state board. The license shall be effective until January 30 of the year following the year in which issued.

“(b) An applicant who fulfills the requirements regarding age, character, education, and health, as set forth in subsection (a) Section 34-14-4, and who shall provide proof of having met all requirements of certification as a National Board Certified Hearing Instrument Specialist shall be issued a dispenser’s license. All applicants who have current valid Alabama dealer’s and fitter’s licenses as of the date of enactment of this legislation shall have 5 years from said date to obtain the requirements for certification. After the expiration of the 5-year period, an applicant not providing proof of having met all requirements for certification as a National Board Certified Hearing Instrument Specialist shall not be issued a dispenser’s license but shall instead be issued a fitter’s license.

“(c) Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the state board may issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicants for certificate of endorsement shall be required to submit to or undergo a qualifying examination, etc., other than the payment of fees, pursuant to this section and section 34-14-6. The holder of a certificate of endorsement shall be registered in the same manner as licensees. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.”

“§34-14-4.

“(a) Applicants may obtain a license by successfully passing a qualifying examination; provided, that the applicant:

“(1) Is at least 19 years of age;

“(2) Is of good moral character;

“(3) Has an education equivalent to a four-year course in an accredited high school; and

“(4) Is free of contagious or infectious disease.

“(b) An applicant who meets the qualifications of subsection (a) hereof as determined by the board who applies for license by

examination shall appear at a time, place and before such persons as the board may designate to be examined by means of written and practical tests in order to demonstrate that he is qualified to practice the fitting and sale of hearing aids. The examination administered as directed by the board constituting standards for licensing shall not be conducted in such a manner that college training is required in order to pass the examination. Nothing in this examination shall imply that the applicant shall possess the degree of medical competence normally expected of physicians.

“(c) The board shall give examinations as required to permit applicants to be examined within 90 days following the submission of the official application form for a fitter’s license.”

“§34-14-6.

“(a) Each person who engages in the fitting and sale of hearing aids shall annually, on or before January 30, pay to the state board a fee for a renewal of his license and shall keep such certificate conspicuously posted in his office or place of business at all times. The fee shall be \$100.00 for a fitter’s license and \$150.00 for a dispenser’s license. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the state board for posting in each location. A 30-day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of a fee of \$125.00 to the state board. After expiration of the grace period, the state board may renew such certificates upon payment of \$200.00 to the state board. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal; provided, that such renewal application is made within two years from the date of such expiration.

“(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1991, and after said date no licensee shall have his active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met.”

“§34-14-7.

“(a) An applicant who fulfills the requirements regarding age, character, education and health, as set forth in subsection (a) of section 34-14-4, may obtain an apprentice permit upon application to the state board. Previous experience or a waiting period shall not be required to obtain an apprentice permit.

“(b) Upon receiving an application as provided under this section and accompanied by a fee of \$50.00, the state board shall

issue an apprentice permit which shall entitle the applicant to engage in the fitting and sale of hearing aids for a period of nine months provided the apprentice shall initially receive 80 hours of academic and practical instruction under the direct supervision and immediate physical observation of the person holding a valid current Alabama hearing aid dispenser's license and who shall be totally responsible for the supervision and training of such applicant thereafter. Such apprentice permit shall not be renewable, nor shall the applicant be issued a second permit within a five-year period following the expiration date of the initial permit.

"(c) An apprentice or applicant who successfully completes the fitter's examination may obtain a fitter's license upon application to the state board which shall entitle the applicant to engage in the sale or fitting of hearing aids for a period of one year under the direct supervision of a person holding a current Alabama hearing aid dispenser's license who shall be totally responsible for the supervision of all activities of the fitter pertaining to the sale and fitting of hearing aids, upon payment of a \$100.00 fee.

"(d) The dispenser who is responsible for the supervision and training of an apprentice shall not have more than four apprentices under his supervision at any time. There shall be no limitations on the number of fitters a dispenser may have under his supervision at any given time.

"(e) The licensed Alabama dispenser who is responsible for the supervision and training of any apprentice or fitter shall be subject to administrative actions with respect to licensure and to civil liability for all actions of an apprentice or fitter under his supervision when such trainee or apprentice engages in unethical, prohibited, fraudulent, deceptive, and misleading conduct involving the fitting and dispensing of hearing aids."

"§34-14-8.

"(a) A person who holds a license shall notify the state board in writing of the regular address of the place or places where he engages or intends to engage in the fitting or the sale of hearing aids.

(b) "The state board shall keep a record of the place of business of licensees.

(c) "Any notice required to be given by the state board to a person who holds a license shall be mailed to him at the address of the last place of business of which he has notified the state board."

"§34-14-9.

"(a) Any person wishing to make a complaint against a licensee or apprentice under this chapter shall reduce the same to

writing and file his complaint with the state board within one year from the date of the action upon which the complaint is based. If the state board investigates and determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee at least 20 days before the date set for hearing, either personally or by registered or certified mail sent to licensee's last known address. Continuances or adjournment of hearing date shall be made if for good cause. At the hearing the licensee complained against may be represented by counsel. The licensee complained against and the state board shall have the right to take depositions in advance of hearing and after service of the complaint, and either may compel the attendance of witnesses by subpoenas issued by the state board under its seal. Either party taking depositions shall give at least five days' written notice to the other party of the time and place of such depositions, and the other party shall have the right to attend, with counsel if desired, and cross-examine. Appeals from suspension or revocation may be made to the circuit court. In the event of an appeal, there shall be a trial de novo and the trial shall be before the court without the intervention of a jury.

"(b) The state board is hereby authorized to discipline its licensees and apprentices by the adoption and collection of administrative fines, not to exceed \$1,000.00 per violation and is authorized to institute any legal proceedings necessary to effect compliance with this chapter.

"(c) Any person registered under this chapter may have his permit or license revoked or suspended by the state board for any of the following causes:

"(1) The conviction of a felony or a misdemeanor involving moral turpitude; the record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be prima facie proof of such conviction;

"(2) Procuring of license by fraud or deceit;

"(3) Unethical conduct, including:

"a. The obtaining of any fee or the making of any sale by fraud or misrepresentation;

"b. Knowingly employing directly or indirectly any suspended or unregistered person to perform any work covered by this chapter;

"c. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;

"d. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;

"e. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words 'doctor,' 'clinic' or similar words, abbreviations or symbols which tend to connect the medical profession when such use is not accurate;

"f. Habitual intemperance;

"g. Gross immorality;

"h. Permitting another's use of a license;

"i. Advertising a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist;

"j. Directly or indirectly giving or offering to give or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, fitter, or apprentice, or influencing persons to refrain from dealing in the products of competitors;

"(4) Conducting business while suffering from a contagious or infectious disease;

"(5) Engaging in the fitting and sale of hearing aids under a false name or alias with fraudulent intent;

"(6) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids, except in cases of selling replacement hearing aids;

"(7) Gross incompetence or negligence in fitting and selling hearing aids; or

"(8) Violating any provisions of this chapter."

"§34-14-10.

"(a) Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain the licensee's or apprentice's signature and show his business street address and the number of his license or permit, together with specifications as to the make and model of the hearing aid furnished and the full terms of sale clearly stated. If an aid which is not new is sold, the receipt and the container thereof shall be clearly marked as 'used' or 'reconditioned,' whichever is applicable, with terms of guarantee, if any.

"(b) Such receipt shall bear in no smaller type than the largest used in the body copy portion the following:

"The purchaser has been advised at the outset of his relationship with the hearing aid apprentice, fitter, or dispenser that any examination(s) or representation(s) made by a licensed hearing aid apprentice, fitter, or dispenser in connection with the fitting and selling of this hearing aid(s) is not an examination, diagnosis or prescription by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice.'

"(c) Any person engaging in the fitting and sale of hearing aids shall ascertain whether a person under the age of 18 has been examined by a physician for his recommendation to be fitted with a hearing aid within six months prior to the fitting. If such not be the case, no hearing aid shall be sold to such person until such an examination is made."

"§34-14-11.

"The powers and duties of the state board are as follows:

"(1) To authorize all disbursements necessary to carry out the provisions of this chapter;

"(2) To register persons who apply to the state board who are qualified to engage in the fitting and sale of hearing aids;

"(3) To issue and renew licenses;

"(4) To promulgate rules and regulations necessary to carry out the provisions of this chapter and to establish consumer protection provisions, provisions for prohibited practices and requirements for businesses.

"(5) The state board shall issue and renew a dispenser's license to sell and fit hearing aids to any person who is duly licensed under the laws of this state as an audiologist; and

"(6) To revoke or suspend licenses, or take such other disciplinary action as authorized by this chapter.

"(7) The state board shall be authorized to review individual appeals for exemption from required certification for a dispenser's license."

"§34-14-30.

"(a) There shall be established a board of hearing aid dealers which shall supervise issuance of licenses 'by experience' and administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination.

"(b) Members of the board shall be residents of the state. The board shall consist of five licensees, one of which may be a fitter, one otolaryngologist, one audiologist and, upon April 11, 1989, one consumer member appointed by the governor. The consumer member shall have no voting powers in matters of discipline or licensure, and neither the consumer, nor his or her spouse shall be a hearing aid fitter or dispenser. Each hearing aid dealer fitter or dispenser on the board shall have no less than three years of experience and shall hold a valid license as a hearing aid fitter or dispenser, as provided under this chapter.

"(c) All members of such board shall be appointed by the governor from a list of qualified persons nominated by the Alabama hearing aid dealer association, inc. The term of office of each member shall be for four years; except, that of the members of the first board appointed under this chapter, two shall be appointed for two years, three shall be appointed for three years and two shall be appointed for four years. Before a member's term expires, the governor shall appoint a successor to assume his duties upon the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term. The members of the board shall annually designate one member to serve as chairman and another to serve as secretary-treasurer.

"No member of the board who has served two or more full terms may be reappointed to the board until at least one year after the expiration of his most recent full term of office.

"(d) Members of the board shall receive for each day actually engaged in the duties of the office a per diem amount of \$25.00, not to exceed the sum of \$1,000.00 per year, and reimbursement for traveling expenses as provided in article 2 of chapter 7 of Title 36 of this Code, and other expenses, said remuneration and reimbursement to be paid from appropriations made for this purpose."

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:10 P.M.

Act No. 91-199

H. 166 — Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the state board of registration for professional engineers and land surveyors, with the additional recommendations for statutory changes as set out in Section 3 hereof.

Section 2. The existence of state board of registration for professional engineers and land surveyors, created and functioning pursuant to sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-11-8, 34-11-9 and 34-11-36, Code of Alabama 1975, are hereby amended to read as follows:

“§34-11-8.

“(a) (1) Certificates of registration for professional engineers and professional land surveyors shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed \$50.00.

It shall be the duty of the secretary of the board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed to the registrant's last address recorded by the secretary of the board and shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by payment of a fee. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid shall be increased 10 percent for each month or a fraction of a month that payment of renewal is delayed; provided, however, that the maximum time for renewal shall not exceed six months. The board, in its discretion, may make an exception to the foregoing renewal provisions in the case of a person who is in the armed service of the United States.

"(2) The board shall adopt a program of continuing education for its individual licensees, pursuant to this subsection (a), not later than October 1, 1993, and after said date no individual licensee shall have his license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.

"(b) Certificates of enrollment for engineers-in-training shall expire on the last day of the month of December following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than \$2.00 nor more than \$5.00. The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training, but his name shall, after 90 days, be removed from the board's current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

"(c) Certificates of authorization issued to corporations, partnerships or firms practicing or offering to practice engineering or land surveying under the provisions of this chapter shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed \$100.00. It shall be the duty of the secretary of the board to notify every corporation, partnership or firm holding a certificate of authorization under this chapter of the date of expiration of such certificate and the amount of the fee which shall be

required for its renewal for one year; such notice shall be mailed to the last address recorded by the secretary for the corporation, partnership or firm. Such notice shall be mailed by the secretary at least one month in advance of the date of expiration of said certificate. Renewals may be effected at any time during the month of December by payment of the required fee. If renewal is not affected during the month of December a late renewal penalty of \$50.00 shall be paid upon renewal, which shall be payable in addition to any applicable renewal fee. Failure by the corporation, partnership or firm to renew its certificate of authorization during the month of December shall cause said certificate to expire, and it shall be unlawful for said corporation, partnership or firm to practice, offer to practice or hold itself out as qualified to practice engineering or land surveying in Alabama following the expiration of said certificate of authorization. A certificate of authorization not renewed within two years after it has expired shall become null and void. The board may, for good reason shown, reissue a certificate of authorization to any corporation, partnership or firm whose certificate has become null and void. A fee to be set by the board and not to exceed \$100.00 shall be charged the corporation, partnership, or firm for such reissue."

"§34-11-9.

"(a) Engineering incidental to production, manufacture, transportation, public utilities or affiliates thereof. — The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution or communication may be carried on by any person, partnership, firm or corporation engaged in such production, manufacture, transportation, distribution or communication if such engineering services are performed by or under the direction of a professional engineer or engineers registered in conformity with this chapter. All drawings, plans, specifications, plats and reports involving the practice of engineering shall when issued be dated and bear the seal or facsimile of such seal or signature and registration number of the professional engineer in responsible charge thereof.

"(b) Engineering services offered to the public; certificate of authorization required. — The practice of or offer to practice engineering and land surveying as defined in section 34-11-1 by individual professional engineers or professional land surveyors registered under this chapter through a corporation, partnership or firm offering engineering services or land surveying services to the public through individual registered professional engineers or professional land surveyors, as agents, employees, officers or partners, is permitted subject to the provisions of this chapter; provided, that one or

more of the principal officers of such corporation or firm or partners of such partnership and all personnel of such corporation, partnership or firm who act in its behalf as professional engineers or professional land surveyors in this state are registered as provided by this chapter, or are persons lawfully practicing under section 34-11-14, and further provided, that said corporation, partnership or firm has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering or land surveying as defined in section 34-11-1 of this chapter which shall have been prepared or approved for the use of such corporation, partnership or firm or for delivery to any person or for public record within the state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them. Nothing in this section should be construed to mean that a certificate of registration to practice engineering or land surveying shall be held by a corporation, partnership or firm.

“(c) Joint practice authorized. — Nothing in this section prohibits an individual, corporation, firm or partnership from joining together to practice, offering to practice or holding themselves out as qualified to practice engineering or land surveying provided that such individual, corporation, firm or partnership meets all other provisions of this section.

“(d) Liability generally. — No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers or partners by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering or land surveying as defined in section 34-11-1 be relieved of responsibility for such work performed by reason of employment, association or relationship with such corporation, partnership or firm.

“(e) Application for certificate of authorization. — A corporation, partnership or firm desiring a certificate of authorization shall file with the board an application upon such a form to be prescribed by the board and the designation required by the following subsection, accompanied by the registration fee prescribed by section 34-11-5(e) of this chapter.

“(f) Filing names and addresses of officers, etc., required. — A corporation, or firm shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation or firm including the principal officer or officers duly registered to practice engineering or land surveying in this state, who shall be in responsible charge of the practice or offering to practice of engineering or land surveying in this state by

said corporation or firm and also of the individual or individuals duly registered to practice or offer to practice engineering or land surveying in this state who shall also be in responsible charge of practicing or offering to practice engineering or land surveying in this state by said corporation or firm. A partnership shall file with the board using a form provided by the board, the names and addresses of all partners, including the partner or partners duly registered to practice engineering or land surveying in this state, and also of an individual or individuals duly registered to practice engineering or land surveying in this state who shall be in responsible charge of the practice of engineering or land surveying in this state by said partnership. This same form, giving the same information, must accompany the annual renewal fee prescribed in section 34-11-8(c). In the event there shall be a change in any of these persons during the year such changes shall be designated on the same form and filed with the board by the corporation, partnership or firm within 30 days after the effective date of such change.

“(g) Issuance of certificate of authorization; suspension; revocation. — If all the requirements of this section are met, and after the requirements of subsection (i) hereof have been met, the board shall issue to such corporation, partnership or firm a certificate of authorization; provided, however, the board may refuse to issue a certificate, if any facts exist which would entitle the board to suspend or revoke an existing certificate, or if the board, after giving the persons involved a full and fair hearing as authorized in section 34-11-35 shall determine that any of the officers or directors of said corporation or partners of said partnership are not persons of good character. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in section 34-11-13 of this chapter.

“(h) Certificate required of organization operating under fictitious name. — For the purposes of this section, a certificate of authorization shall be required by a corporation, partnership, firm, association or person practicing under a fictitious name, offering engineering or surveying services to the public; except, however, where an individual is practicing engineering or surveying in his own given name, he shall not be required to register under this section.

“(i) Incorporation or registration contingent upon approval of board. Persons or firms seeking to do business in this state under the provisions of this section shall first obtain the official written notification of the approval by the secretary of state of their articles of incorporation or revisions thereto. Such persons or firms shall then present a copy of such written approval of the secretary of state to the board as a prerequisite to the issuance of a certificate pursuant to subsection (g) hereof.”

“§34-11-36.

“The executive director of the board shall receive and account for all money derived under the provisions of this chapter, and shall pay the same monthly to the state treasurer, who shall keep such money in a separate fund to be known as the ‘professional engineers fund.’ Such fund shall be kept separate and apart from all other money in the treasury, and shall be paid out only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the executive director of the board; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of article 4 of chapter 4 of Title 41 of this Code; and provided further, that any funds or money in the hands of the state treasurer, known as the professional engineers fund, at the end of the state fiscal year in excess of the sum of \$70,000.00 shall be transferred into the general fund of the state. The money, properties, records and other things of value owned by or allocated to the professional engineers fund, the board or the executive director of the board in his capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the professional engineers fund, the board or the executive director of the board under this chapter. The executive director of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the professional engineers fund. The executive director of the board shall receive such salary as the board shall determine, in addition to compensation and expenses provided for in section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ such clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the professional engineers fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board’s delegates to regional and national meetings of, and membership dues to, the National Council of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the legislature in the general appropriation or other appropriation bills.”

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:11 P.M.

Act No. 91-200

S.J.R. 93 — Senator Langford

SENATE JOINT RESOLUTION

COMMENDING DELTA SIGMA THETA SORORITY, INC., SOUTHERN REGIONAL CONFERENCE, ON THE SPONSORSHIP OF "DELTA YOUTH DAYS," JUNE 25-27, 1991.

WHEREAS, Delta Sigma Theta Sorority, Inc., founded in 1913 at Howard University in Washington, D. C., is under the current leadership of Dr. Yvonne Kennedy, a Southerner and native-born Alabamian who is serving as the Sorority's National President, and under whose guidance, Delta Sigma Theta has greatly increased its prominence as a viable force among like public service organizations; and

WHEREAS, Delta Sigma Theta has traditionally centered its activities around Educational Development, Economic Development, Physical and Mental Health, Political Awareness and Involvement, and International Awareness and Involvement; and

WHEREAS, relating to Educational Development, and to Political Awareness and Involvement, among the sorority's five above-named programmatic thrusts, the Southern Regional Conference of Delta Sigma Theta is sponsoring "Delta Youth Days" at the Alabama State Capitol, June 25-27, 1991, inclusively, and featuring a "Delta Youth Legislature" among its many activities; and

WHEREAS, this is indeed a significant event, initiated by Dr. Kennedy and specifically structured by the Southern Regional Conference to educate and favorably impact upon our youth and, most particularly, upon the state's young men and women of today who will guide Alabama forward in the future through political awareness and involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Delta Sigma Theta Sorority, Inc., on the organization's impact to the good of all humankind, and on its Southern Regional Conference sponsorship of "Delta Youth Days" at the Alabama State Capitol, June 25-27, 1991.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation during the opening session of Delta Sigma Theta's "Delta Youth Days" at the State Capitol.

Approved July 3, 1991

Time: 4:12 P.M.

Act No. 91-201

S.J.R. 94 — Senators Bennett, Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING THE JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AS NCAA DIVISION II NATIONAL BASEBALL CHAMPIONS FOR 1990 AND 1991.

WHEREAS, the Jacksonville State University Gamecock baseball team has brought national distinction to the University, the community and the State of Alabama by winning consecutive NCAA Division II National Baseball Championships in 1990 and 1991; and

WHEREAS, Jacksonville State University made its fourth consecutive NCAA Division II Baseball Championship appearance, and seventh overall; and

WHEREAS, the Gamecocks established new NCAA Division II Championship game records for most runs (20), most runs in one inning (11), and largest margin of victory (16) in their 20-4 victory over Missouri Southern State College for the 1991 title; and

WHEREAS, Rudy Abbott, head coach and Alabama's all-time winningest coach, achieved career victory No. 700 in the 1991 title game; and

WHEREAS, Jacksonville State University pitcher Tim VanEgmond was named the Most Outstanding Player of the NCAA Division II Baseball Championship for the second consecutive year, and was selected to the NCAA Division II Baseball Championship All-Tournament Team; and

WHEREAS, Jacksonville State University catcher Randy Belyeu was named to the American Baseball Coaches Association All-America squad, in addition to the NCAA Division II Baseball Championship All-Tournament Team; and

WHEREAS, teammates Drake Ibsen and Craig Holman were honored by selection to the NCAA Division II Baseball Championship All-Tournament team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as consecutive NCAA Division II National Baseball Champions in 1990 and 1991, we hereby most highly commend and congratulate the Jacksonville State University Gamecock baseball team, and direct that copies of this resolution be forwarded to Coach Rudy Abbott for appropriate presentation and University display.

Approved July 3, 1991

Time: 4:13 P.M.

Act No. 91-202

S.J.R. 96 — Senator Corbett

SENATE JOINT RESOLUTION

DESIGNATING THAT PORTION OF U. S. HIGHWAY 431 AND ALABAMA HIGHWAY 1, FROM THE CITY LIMITS OF PHENIX CITY SOUTH ALONG SAID HIGHWAY TO STATE MILE MARKER 112 IN RUSSELL COUNTY, ALABAMA, AS "MARTIN LUTHER KING PARKWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in response to the request of the Russell County Commission, we hereby name and designate that portion of U. S. Highway 431 and Alabama Highway 1, from the City Limits of Phenix City south along said

highway to State Mile Marker 112 in Russell County, Alabama, as the "Martin Luther King Parkway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said highway portion as "Martin Luther King Parkway."

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Russell County Commission.

Approved July 3, 1991

Time: 4:14 P.M.

Act No. 91-203

S.J.R. 99 — Senators Bedsole and Windom

SENATE JOINT RESOLUTION

COMMENDING JANICE MUNDLE OF MOBILE AS ALABAMA'S 1991 NURSE OF THE YEAR.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates Janice Mundle of Mobile, Alabama, upon her selection as Alabama Nurse of the Year for 1991, an outstanding honor bestowed annually by the Alabama Association of School Nurses in recognition of the exemplary practice of school nursing and child advocacy; and

WHEREAS, a graduate of the University of New York at Buffalo, a former school nurse in New Orleans for eight years and a school nursing administrator for 18 months in Guam, Mrs. Mundle has worked for the past four years as a special education nurse with the Mobile County Public School System; and

WHEREAS, Mrs. Mundle, who is responsible for the needs of special education students in 25 Mobile County schools, is a highly dedicated professional whose many accomplishments reflect her outstanding organizational skills, and her dedication to each and every task at hand in her endeavors to solve the myriad of problems faced not only by her students, but their families as well; and

WHEREAS, thoroughly knowledgeable, resourceful and concerned, she works tirelessly on an on-going basis and also in emergency situations to provide the equipment and facilities necessary to special education children enrolled in regular school programs; and

WHEREAS, she further contributes to the nursing field through activities and involvement in a number of professional organizations, and her contributions and achievements have been recognized previously through the bestowal of such distinctions as the Ann Walker Sengbush Award for leadership and a teaching fellowship at State University of New York in medical, surgical and pediatric nursing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Janice Mundle of Mobile, Alabama, as our state's 1991 School Nurse of the Year, and do further direct hat she receive a copy of this resolution of sincere warm praise and regard.

Approved July 3, 1991

Time: 4:15 P.M.

Act No. 204

S.J.R. 100 — Senator Denton

SENATE JOINT RESOLUTION

COMMENDING REYNOLDS METALS COMPANY ON THE OCCASION OF ITS 50TH ANNIVERSARY OF OPERATION.

WHEREAS, the Alabama Legislature notes with commendation the Fiftieth Anniversary observance of the operation of the Reynolds Metals Company near Sheffield, Alabama, October 25 and 26, 1991; and

WHEREAS, Reynolds Metals Company, a producer of metals and other materials through its worldwide operations, is a progressive company serving growth industries that has been dedicated to superior product quality and technological leadership since its founding in 1919 as U. S. Foil Company and its incorporation in 1928 under its present name; and

WHEREAS, Reynolds Metals Company is one of the world's largest producers of aluminum and aluminum products with 30,800 employees at more than 100 operations in 20 countries, including 64 plants in the United States, with a total production capacity of more than 840,000 tons; and

WHEREAS, Reynolds Metals Company is the world's leader in aluminum can-making technology, and is a pioneer and leader in aluminum can recycling with the nation's largest consumer recycling network; and

WHEREAS, Reynolds Metals Company established its Alabama operation in 1941 and, known as the Listerhill Complex, was named for the late U. S. Senator Lister Hill from Alabama who gave inspiration and support to the company's founder, R. S. Reynolds, Sr., and who agreed with Mr. Reynolds that the volatile word situation made necessary an increase in the country's aluminum capacity in order to strengthen America for the inevitable world struggle; and

WHEREAS, the Listerhill Complex in Alabama is Reynolds largest complex, comprised of the Alloys Plant, Alabama Reclamation Plant, the Manufacturing Technology Laboratory, and a subsidiary, Southern Reclamation Company, and employs 2,700 people, pays \$164 million in annual wages and benefits, and spends over \$300 million annually for operating expenses; and

WHEREAS, Reynolds also operates a residential building products service center and an aluminum distributorship in Birmingham, in addition to a Reynolds Aluminum Recycling Center in Florence, and other recycling centers across the state; and

WHEREAS, the management and employees of Reynolds Metals Company are actively involved in the improvement of the Shoals area, and take great pride in working with local charities and organizations to make the Shoals a better place in which to live and work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with sincere best wishes for every future success, and on the occasion of their Fiftieth Anniversary celebration, we hereby extend heartiest congratulations to the management and employees of Reynolds Metals Company on the corporation's sterling record; we also express our gratitude for its economic base and for the numerous other notable contributions to the Shoals area and the State of Alabama, and direct that a copy of this resolution be provided for appropriate presentation and display by the company.

Approved July 3, 1991

Time: 4:16 P.M.

Act No. 91-205

S.J.R. 103 — Senators Little and Foshee

SENATE JOINT RESOLUTION

COMMENDING WILLIAM HAROLD ALBRITTON, III, OF ANDALUSIA, ALABAMA, UPON HIS APPOINTMENT TO THE FEDERAL JUDICIARY.

WHEREAS, the Legislature of Alabama most warmly congratulates and commends William Harold Albritton, III, of Andalusia, Alabama, as district judge for the Middle District of Alabama; and

WHEREAS, a prominent Andalusia attorney, Mr. Albritton is a partner and fourth-generation member of the family law firm and is president of the Alabama State Bar; he is a Phi Beta Kappa graduate of the University of Alabama and is a graduate also of the University's School of Law, receiving his degree in 1960; and

WHEREAS, Mr. Albritton was nominated by President Bush, March 7, 1991, to fill a vacancy in the Middle District, and his appointment was unanimously approved on May 9th by the U.S. Senate's Judiciary Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as he assumes his position as a district judge for the Middle District of Alabama in Montgomery, we hereby most highly commend W. Harold Albritton, III, of Andalusia, Alabama, whom we wish every future success in life and for whom a copy of this resolution shall be provided.

Approved July 3, 1991

Time: 4:17 P.M.

Act No. 91-206

S.J.R. 104 — Senator Little

SENATE JOINT RESOLUTION

COMMENDING WILLIAM D. LAZENBY OF OPELIKA AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates William D. Lazenby, M.D., of Opelika upon his election as president of the Medical Association of the State of Alabama (MASA) for the term 1991-92; and

WHEREAS, a native of Lee County, Alabama, Dr. Lazenby is a graduate of Auburn University where he was president of the Pre-Medical Honor Society, and of Emory University where he received his medical degree and was president of the Student American Medical Association; and

WHEREAS, in 1964, having completed both his internship and residency at Emory, Dr. Lazenby returned to Lee County where he

has continued in practice for the past 27 years, and where he was instrumental in the establishment of the Medical Arts Center of East Alabama which has expanded to include some 50 physicians in a multispecialty medical complex; and

WHEREAS, Dr. Lazenby, in addition to his large surgical practice, has also provided outstanding professional leadership as president of the Medical Arts Center of East Alabama since its inception; as a founder of the Surgical Clinic of East Alabama; as a member of the Council on Continuing Medical Education; as a member, vice-chairman and Censor at Large on the Board of Censors; as president-elect and now president of ASMA; and through simultaneous service on the Board of Medical Examiners and the State Committee of Public Health; and

WHEREAS, further, Dr. Lazenby is active in numerous civic and community affairs and these involvements have included membership and/or leadership positions in such organizations as the Opelika Chamber of Commerce and its Board of Directors, Rotary Club, and the Board of Directors of the Farmers National Bank, among others; and

WHEREAS, he also is the 1985 Outstanding Citizen of the Year for the City of Opelika, a Rotary Paul Harris Fellow and, as a cattleman for the past 20 years and a registered Angus breeder for more than 30 years, has the second and third largest herd of Angus cattle in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. William D. Lazenby for distinguished professional achievement and service; we congratulate him as the current president of the Medical Association of the State of Alabama; and do further provide that he receive a copy of this resolution of sincere appreciation and regard.

Approved July 3, 1991

Time: 4:18 P.M.

Act No. 91-207

S.J.R. 108 — Senator Langford

SENATE JOINT RESOLUTION

RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA

SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991.

WHEREAS, Delta Sigma Theta Sorority, a national organization comprised predominantly of Black, college educated women, is holding its 33rd Southern Regional Conference in Montgomery, Alabama, June 26-30, 1991, and among the many members-in-sisterhood are National President, Dr. Yvonne Kennedy, a native Alabamian, member of the Alabama Legislature and President of Bishop State Community College in Mobile; Southern Regional Director, Dr. Louise Rice; and Southern Regional Representative, Miss Wendy Johnson; and

WHEREAS, the more than 1,200 sorority members assembled in Montgomery, along with family members and friends, are participating in a wide range of conference activities during this time of decentralization of the sorority that provides a valuable forum for the unveiling of new and expanded program initiatives of public service to be implemented during the remainder of the biennium, which has for its national theme, "Pass the Torch: Ignite A New Vision"; and

WHEREAS, among pre-conference activities is the innovative "Delta Youth Days" program at the State Capitol and Alabama State University which features a "Delta Youth Legislature" directed by Chairperson Tyna Davis, Co-Chairperson Mattie Langford, and State Coordinator Louise Mitchell, to introduce high school students to the legislative process; and

WHEREAS, the Montgomery Alumnae Chapter of Delta Sigma Theta Sorority, with 180 members, is the official host, along with other Alabama chapters, for the 33rd Southern Regional Conference, comprised of chapters in the five states of Alabama, Georgia, Tennessee, Florida and Mississippi; the Southern Regional Conference is one of seven and the largest conference of the national organization and, with a membership of over 40,000, represents more than one-fourth of Delta Sigma Theta's 175,000 national membership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure and in consensus of commendation that we hereby recognize the 33rd Southern Regional Conference of Delta Sigma Theta Sorority, Incorporated, June 26-30, 1991, in Montgomery, and do most warmly welcome the assemblage to Alabama's Capital City.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Southern Regional Director, Dr. Louise Rice, and that said presentation be made, on behalf of the

Alabama Legislature, by the Honorable Yvonne Kennedy, National President of Delta Sigma Theta Sorority.

Approved July 3, 1991

Time: 4:19 P.M.

Act No. 91-208

S.J.R. 109 — Senators Bedsole, Windom, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner and Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF BARRY M. CLARK OF MOBILE, ALABAMA.

WHEREAS, Both houses of the Alabama Legislature grievously records the lamentable death of Air Force Sergeant Barry M. Clark of Mobile, Alabama, who was killed in action on January 31, 1991, when his plane disappeared over the Persian Gulf and was later found a half mile off the Kuwaiti-Saudi Arabian coast in the gulf waters; and

WHEREAS, Sergeant Clark, a 1983 graduate of Mobile's Shaw High School, was serving as a gunner aboard his AC-130 Spectre gunship when it disappeared over the gulf and he, along with 13 other crew members, was officially listed as missing in action and presumed dead; and

WHEREAS, Barry M. Clark was indeed a courageous young patriot who served his country with great valor and distinction and we, as fellow Americans, are justly proud of this outstanding brave son of Alabama, who willingly gave his life in defense of freedom and world peace; and

WHEREAS, Sergeant Clark is survived by his wife, Stephanie Farmer Clark; children, Janna and Rebecca; by his parents, Mr.

and Mrs. Billy C. Clark; and by other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and courage of Barry M. Clark, of Mobile, Alabama, and direct that a copy of this resolution be provided for his loving family, that they all may know of our concern for them in their time of such deep sorrow.

Approved July 3, 1991

Time: 4:20 P.M.

Act No. 91-209

S. 40 — Senator Denton

AN ACT

To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of each incorporated municipality and the county commission of each county of the state is hereby authorized to provide assistance, by means of gift or loan, to the governing body of any other municipality or county located within the state when such county or municipality has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States. Such assistance may be in the form of funds not otherwise appropriated, services, or other aid as determined by the governing body of the municipality or county offering assistance. The terms upon which assistance is offered should be mutually agreed upon, reduced to writing, and approved by the governing bodies of both the assisting county or municipality and the recipient county or municipality.

Section 2. Nothing herein shall restrict or affect in any manner mutual aid agreements heretofore or hereafter entered into by municipalities and/or counties for the purpose of disaster assistance.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:21 P.M.

Act No. 91-210

S. 44 — Senator Corbett

AN ACT

To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be lawful for certain handicapped persons to use cross bows and cross bow arrows while hunting or attempting to hunt game birds and animals as well as unprotected wildlife in this state.

Section 2. The Department of Conservation and Natural Resources is hereby authorized and empowered to issue upon application a special license to allow Alabama residents who are handicapped to hunt with crossbows during the regular archery deer season. Applicants must present a signed statement from a physician licensed to practice medicine in the State of Alabama stating the applicant has a permanent physical disability and meets one of the following requirements:

(1) That he or she has at least 80% permanent impairment of one hand or arm as determined by a physician using the standards outlined in the "Guide to Evaluation of Permanent Impairment Rating," published by the American Medical Association.

(2) That he or she has a permanent physical impairment due to injury or disease, congenital or acquired, which permanently renders the individual unable to ambulate without the aid of a wheelchair, two crutches, two leg braces or two leg prostheses at all times.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:22 P.M.

Act No. 91-211

S. 81 — Senator Foshee

AN ACT

To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 28-3-1 and 28-3-187.1 of the Code of Alabama 1975, are hereby amended to read as follows:

"§28-3-1.

"The following words or phrases, whenever they appear in this chapter, and in Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama, 1980, as amended, appearing as chapter 3A, Title 28, as amended, and the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as chapter 7, Title 28, as amended, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

"(1) **ALCOHOLIC BEVERAGES.** Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

"(2) **ASSOCIATION.** A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

"(3) **BEER, or MALT or BREWED BEVERAGES.** Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent or more of

alcohol by volume and not in excess of four percent alcohol by weight and five percent by volume, by whatever name the same may be called.

“(4) BOARD. The alcoholic beverage control board.

“(5) CARTON. The package or container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer.

“(6) CONTAINER. The single bottle, can, keg, bag or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

“(7) CLUB.

“a. Class I. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which, belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

“b. Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 100 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

“(8) CORPORATION. A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

“(9) DRY COUNTY. Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum

hereafter held in accordance with the provisions of chapter 2, Title 28, or held in accordance with the provisions of any act hereafter enacted permitting such election.

“(10) DRY MUNICIPALITY. Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of section 28-2-22, or in a municipal option election heretofore or hereafter held in accordance with the provisions of Act 84-408, Acts of Alabama 1984, appearing as chapter 2A, Title 28, Code of Alabama 1975, as amended, or any act hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality.

“(11) GENERAL WELFARE PURPOSES.

“a. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

“b. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said sections 38-2-5 and 38-4-1;

“c. Service to and on behalf of dependent, neglected or delinquent children; and

“d. Investigative and referral services to and on behalf of needy persons.

“(12) HEARING COMMISSION. A body appointed by the board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this title or the regulations of the board.

“(13) HOTEL. A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

“(14) IMPORTER. Any person, association or corporation engaged in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

“(15) LIQUOR. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise

alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer and table wine.

“(16) LIQUOR STORE. A liquor store operated by the board, where alcoholic beverages other than beer are authorized to be sold in unopened containers.

“(17) MANUFACTURER. Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

“(18) MINOR. Any person under 21 years of age, except a person 19 years of age or older prior to October 1, 1985, is not a minor; provided, however, in the event section 28-1-5, shall be repealed or otherwise shall be no longer in effect, thereafter the provisions of section 26-1-1, shall govern.

“(19) MUNICIPALITY. Any incorporated city or town of this state to include its police jurisdiction.

“(20) PERSON. Every natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, such term as applied to “association” shall mean the partners or members thereof and as applied to “corporation” shall mean the officers thereof, except as to incorporated clubs the term “person” shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

“(21) POPULATION. The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population until the next decennial census shall be the population of said municipality as determined by the judge of probate of said county as the official population on the date of its incorporation.

“(22) RESTAURANT. A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises.

“(23) MEAL. A diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

“(24) **RETAILER.** Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

“(25) **SALE or SELL.** Any transfer of liquor, wine or beer for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, wine or beer for a consideration.

“(26) **SELLING PRICE.** The total marked-up price of spirituous or vinous liquors sold by the board, exclusive of taxes levied thereon.

“(27) **UNOPENED CONTAINER.** A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

“(28) **WET COUNTY.** Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of chapter 2, of Title 28, or other statutes applicable at the time of said election.

“(29) **WET MUNICIPALITY.** Any municipality in a dry county which by a majority of those voting voted in the affirmative in a municipal option election heretofore or hereafter held in accordance with the provisions of Act 84-408, Acts of Alabama 1984, appearing as chapter 2A, Title 28, as amended, or any act hereafter enacted permitting municipal option election, or any municipality which became wet by vote of the governing body or by the voters of the municipality heretofore or hereafter held under the special method referendum provisions of section 28-2-22, or as hereafter provided, where the county has become dry subsequent to the elected wet status of the municipality.

“(30) **WHOLESALE.** Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within the state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

“(31) **WINE.** All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages,

vinous liquors, and like products, including restored or unrestored pure condensed juice.

“(32) FORTIFIED WINE or VINOUS LIQUOR. Any wine containing more than 14 percent alcohol by volume but not more than 24 percent. Fortified wine is vinous liquor.

“(33) TABLE WINE. Any wine containing not more than 14 percent alcohol by volume. Table wine is not liquor, spirituous or vinous.

“(34) BRANDY. All beverages which are an alcoholic distillate from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to the beverage, as bottled at not less than 80 degree proof.”

“§28-3-187.1.

“Any laws or parts of laws to the contrary notwithstanding, no manufacturer, importer or wholesaler licensee of fortified wine and vinous liquor and brandy, as defined by section 28-3-1, shall be required to comply with the provisions of section 28-3-187, nor any other provisions of laws, rules or regulations relating to the state labeling of certain containers of alcoholic beverages by such manufacturer, importer or wholesaler licensees.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:23 P.M.

Act No. 91-212

S. 82 — Senators Hale and Barron

AN ACT

To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, are hereby amended to read as follows:

“§8-20-4.

"Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation or nonrenewal of any dealer agreement or franchise, the following acts or conduct shall constitute unfair and deceptive trade practices:

"(1) For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative to coerce or attempt to coerce any motor vehicle dealer:

"a. To accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

"b. To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law;

"c. To enter into any agreement with such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative, to do any other act prejudicial to said dealer, the effect of which is to reduce the motor vehicle dealer's allocation of motor vehicles or cancel or fail to renew any franchise or any dealer agreement existing between the parties other than as hereinafter provided; provided, however, that this subsection is not intended to preclude the manufacturer or distributor from insisting on compliance with the reasonable terms or provisions of the franchise, and notice in good faith to any motor vehicle dealer of said dealer's violation of any reasonable terms or provisions of such franchise or dealer agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this chapter;

"d. To participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, training materials, showroom or other display decorations or materials at the expense of the new motor vehicle dealer. This paragraph is not intended to modify any reasonable and uniformly applied provision of the franchise which requires the new motor vehicle dealer to advertise and promote the sale of vehicles and does not apply to campaigns, contests, advertising and other promotional programs

in which the new motor vehicle dealer voluntarily elects to participate;

“e. To refrain from participation in the management of, investment in or the acquisition of any other line of new motor vehicle or related products; provided that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer;

“f. To change the location of the new motor vehicle dealership or, during the course of the agreement, to make any substantial alterations to the dealership premises when to do so would be unreasonable; or

“g. To establish or maintain exclusive facilities, personnel or display space for a new motor vehicle make or line, if such requirement is not reasonable.

“(2) For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties.

“(3) For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative:

“a. To adopt, change, establish or implement a plan or system for the allocation and distribution of new or used motor vehicles to motor vehicle dealers which is arbitrary, capricious or unreasonably discriminatory or to modify an existing plan so as to cause the same to be arbitrary, capricious, or unreasonably discriminatory;

“b. To fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or dealer agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the state and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

“c. To refuse to deliver to a motor vehicle dealer in reasonable quantities and within a reasonable time after receipt of the motor vehicle dealer’s order any such motor vehicles as are covered by a franchise or dealer agreement and specifically publicly advertised in the state by such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor

representative to be available for immediate delivery; provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, lack of available manufacturing capacity, a freight embargo or other cause over which the manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative shall have no control;

“d. To cancel or terminate the franchise or dealer agreement of a motor vehicle dealer other than as hereinafter provided;

“e. To fail or refuse to extend the franchise or dealer agreement of a motor vehicle dealer upon its expiration other than as hereinafter provided;

“f. To offer a renewal, replacement or succeeding franchise or dealer agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer other than as hereinafter provided;

“g. To offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sale to a motor vehicle dealer for resale to any unit of the United States government, the state or any of its political subdivisions;

“h. To offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler's or distributor's or manufacturer's employees, at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States government, the state or any of its political subdivisions;

“i. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the executive management control of the motor vehicle dealer unless such change of executive management control will result in executive management control by a

person or persons who are not of good moral character or who do not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, however, that where the manufacturer or distributor or wholesaler rejects a proposed change in executive management control, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within 45 days of notice to the manufacturer or wholesaler or distributor by the motor vehicle dealer of the proposed change accompanied by information reflecting the identity, business experience and affiliations, and source of investment funds of the proposed new management;

"j. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the motor vehicle dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the motor vehicle dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

"k. To refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealer's license issued by the state of Alabama or a political subdivision thereof or unless such sale or transfer is to a person who is not of good moral character or who does not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that where such a rejection of a transfer is made the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within 60 days of notice to the manufacturer or wholesaler or distributor by the dealer of the proposed transfer accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliations and the pro forma balance sheet and source of investment funds of the proposed new dealership;

"l. To unreasonably and without notice to existing motor vehicle dealers, as hereinafter provided, enter into a franchise with an

additional motor vehicle dealer who intends to conduct its dealership operations from a place of business situated within the relevant market area of an existing motor vehicle dealer or motor vehicle dealers representing the same line make. The appointment of a successor motor vehicle dealer at the same location as its predecessor or within a two-mile radius therefrom within two years from the date on which its predecessor ceased operations or was terminated, whichever occurred later, shall not be construed as the entering into of an additional franchise. Any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative which intends to enter into an additional franchise shall, at least 60 days prior to granting such franchise, give written notice of its intention to do so to each motor vehicle dealer of the same line make within the relevant market area. Such notice shall state the date on or after which such proposed franchise shall be granted or entered into. Prior to the date set forth in said notice on or after which such franchise will be entered into, any such motor vehicle dealer may petition a court of competent jurisdiction to determine whether such appointment or proposed appointment is unreasonable in which action the manufacturer, wholesaler or distributor shall have the burden of proof that such action is not unreasonable. No bond shall be required as a precondition to entry of an injunction enjoining appointment of an additional franchise. Such petition shall be entitled to a speedy trial. In determining whether such proposed appointment is unreasonable, the court shall consider all pertinent circumstances. These may include but are not limited to:

"1. Whether the establishment of such additional franchise is warranted by economic and marketing conditions including anticipated future changes;

"2. The past, present and anticipated retail sales and service business transacted by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

"3. The investment made and obligations incurred by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

"4. Whether it is beneficial or injurious to the public welfare for an additional franchise to be established.

"m. To prospectively assent to a release, assignment, novation, waiver or estoppel which would relieve any person from any liability or obligation under this chapter or to require any controversy

between a new motor vehicle dealer and a manufacturer to be referred to any person other than the duly constituted courts of this state or the United States, if the referral would be binding on the new motor vehicle dealer;

“n. To prevent or refuse to give effect to the succession to the ownership or management control of a dealership upon the death or incapacity of a motor vehicle dealer to any legatee or devisee under the will of a dealer or to an heir under the laws of descent and distribution of this state unless the successor is a person who is not of good moral character or who does not meet the manufacturer’s or distributor’s or wholesaler’s existing and reasonable capital standards and, with consideration given to the volume of the sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that where such a rejection of succession is made, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the proposed successor within 60 days of notice to the manufacturer or wholesaler or distributor by the proposed successor of his intent to succeed to the ownership or management of the dealership accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliation and the pro forma balance sheet and source of investment funds of the proposed new dealership. This section does not preclude the owner of a new motor vehicle dealer from designating any person as his successor by written instrument filed with the manufacturer or distributor and, in the event there is a conflict between such written instrument and the provisions of this section, the written instrument shall govern;

“o. To fail to indemnify and hold harmless its motor vehicle dealers against any losses, including, but not limited to, court costs and reasonable attorneys’ fees, or damages arising out of complaints, claims or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied) or rescission of the sale where the complaint, claim or lawsuit relates to the manufacture, assembly or design of new motor vehicles, parts or accessories, or other functions by the manufacturer, beyond the control of the dealer, including, without limitation, the selection by the manufacturer of parts or components for the vehicle, or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer;

“p. To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers prior to the dealer’s receipt of the written official price increase notification. A sales contract signed by a retail consumer shall constitute

evidence of each such order; provided that the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions or cash rebates, the amount of any such reduction or rebate received by a dealer shall be passed on to the retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. Price changes caused by either: (1) the addition to a motor vehicle of required or optional equipment pursuant to state or federal law; (2) revaluation of the United States dollar, in the case of foreign-made vehicles or components; or (3) an increase in transportation charges due to increased rates imposed by common or contract carriers, shall not be subject to the provisions of this paragraph;

"q. To offer any refunds or other types of inducements to any person for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the state;

"r. To release to any outside party, except under subpoena, or as otherwise required by law or in an administrative, judicial or arbitration proceeding, any business, financial, or personal information which may be from time to time provided by the dealer to the manufacturer, without the express written consent of the dealer;

"s. To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the aforementioned manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions or

"t. To make any material change in any franchise agreement without giving the dealer written notice by certified mail of such change at least sixty (60) days prior to the effective date of such change."

“(a) Notwithstanding the terms, provisions or conditions of any agreement or franchise or notwithstanding the terms or provisions of any waiver, no manufacturer shall cancel, terminate, modify, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:

“(1) Satisfied the notice requirement of this section;

“(2) Acted in good faith as defined in this chapter;

“(3) Has good cause for the cancellation, termination, modification, nonrenewal or noncontinuance.

“(b) Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation, modification, nonrenewal or noncontinuance when:

“(1) There is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of material significance to the franchise relationship, provided that the manufacturer first acquired actual or constructive knowledge of such failure not more than 180 days prior to the date on which notification is given by the manufacturer pursuant to the requirements of this section;

“(2) If the failure by the new motor vehicle dealer to comply with a provision of the franchise relates to the performance of the dealer in sales or service, then good cause shall be defined as the failure of the dealer to substantially comply with the reasonable performance provisions of the franchise if:

“a. The new motor vehicle dealer was apprised by the manufacturer in writing of such failure; and

“1. Said notification stated that notice was provided of failure of performance pursuant to this chapter; and

“2. The new motor vehicle dealer was afforded a reasonable opportunity, for a period of not less than six months, to exert good faith efforts to carry out such provisions; and

“3. The new motor vehicle dealer did not demonstrate substantial compliance with the manufacturer’s performance standards during such period and that the failure to demonstrate such compliance was not due to factors which were beyond the control of such dealer.

“b. Such failure thereafter continued within the period which began not more than 180 days before the date notification of termination,

cancellation, modification or nonrenewal was given pursuant to this section; and

“(c) The manufacturer shall have the burden of proof for showing that it has acted in good faith, that the notice requirements have been complied with, and that there was good cause for the franchise termination, cancellation, modification, nonrenewal or noncontinuance.

“(d) Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation, modification or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, modification or nonrenewal to the new motor vehicle dealer as follows:

“(1) In the manner described in subsection (e); and

“(2) not less than 90 days prior to the effective date of such termination, cancellation, modification or nonrenewal or not less than 30 days prior to the effective date of such termination, cancellation or nonrenewal with respect to any of the following:

“a. Filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law;

“b. Willful or intentional misrepresentation made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor;

“c. Failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven consecutive business days;

“d. Final conviction (including appeal) of the new motor vehicle dealer, principal owner or principal executive manager of any felony.

“(e) Notification under this section shall be in writing; shall be by certified mail or personally delivered to the now motor vehicle dealer; and shall contain:

“(1) A statement of intention to terminate the franchise, cancel the franchise, modify the franchise or not to renew the franchise; and

“(2) A statement of the reasons for the termination, cancellation, modification or nonrenewal; and

“(3) The date on which such termination, cancellation, modification or nonrenewal takes effect.

"(f) Upon the termination, cancellation or nonrenewal by the manufacturer of any franchise for good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the:

"(1) New motor vehicle inventory of the current and previous model year which has been acquired from the manufacturer. Any new and unused motor vehicle repurchased by the manufacturer shall be repurchased at the net cost to the dealer;

"(2) Supplies and parts acquired by the new motor vehicle dealer from the manufacturer or its approved sources within seven years prior to the effective date of the termination, cancellation or nonrenewal;

"(3) Equipment, signs and furnishings acquired by the new motor vehicle dealer from the manufacturer or its approved sources;

"(4) Special tools;

"(5) Dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or to its renewal by the manufacturer. The manufacturer shall use its best efforts to locate a purchaser who will offer to purchase the facilities at a reasonable price. If the manufacturer does not locate a purchaser within a reasonable time, the manufacturer will pay the dealer an amount equivalent to the reasonable rental value of such facilities for three years during which time the manufacturer shall be entitled to possession of said facilities. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall use its best efforts to locate a lessee who will offer to lease the premises for a reasonable term at a reasonable rent. If the manufacturer does not locate a lessee within a reasonable time, the manufacturer shall pay such rent for three years or the remainder of the term of the lease, whichever is less and the manufacturer shall have the option to succeed to the rights of the dealer under the lease.

"(g) Upon the termination, cancellation or nonrenewal by the manufacturer of any franchise without good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subdivisions (f)(1) through (f)(4) and for the dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtain the franchise or to its renewal by the manufacturer. If the facilities were leased and the lease was required as a

precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall be liable for payment of the rent for the remainder of the term of the lease during which time the manufacturer shall be entitled to possession of said facilities. The manufacturer shall also pay the dealer fair and reasonable compensation for the value of the dealership within six months after the date of termination, cancellation or nonrenewal.

“(h) Upon the termination, cancellation or nonrenewal by the manufacturer of any franchise as a result of willful or intentional misrepresentations made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor or upon the termination, cancellation or nonrenewal by the motor vehicle dealer, the new motor-vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subdivisions (f)(1) through (f)(4).

“(i) The fair and reasonable compensation to the dealer shall be paid by the manufacturer within 90 days after tender by the dealer of the items in subdivisions (f)(1) through (f)(4) at the dealership premises, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.”

“(j) The terms and provisions of subsections (f) through (i) of this section shall not apply upon the termination, cancellation or non-renewal of a franchise by a motor home or motorcycle dealer.

“§8-20-7.

“(a) Every manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative shall specify in writing to each of its motor vehicle dealers the dealer’s obligation for warranty service on its products, shall compensate the motor vehicle dealer for warranty service required of the dealer by the manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative and shall provide the dealer the schedule of compensation to be paid such dealer for parts, work and service in connection with warranty services, and the time allowance for the performance of such work and service.

“(b) In no event shall such schedule of compensation fail to include reasonable compensation for diagnostic work, service, labor, and parts. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to

be given consideration shall be the prevailing wage rates being paid by the dealer, in the community in which the dealer is doing business, and in no event shall such compensation of a dealer for warranty services including labor and parts, be less than the rates or prices charged by such dealer for like service to retail customers for nonwarranty service, repairs and parts, provided that such prices and rates are not unreasonable. This subsection does not apply to compensation for parts, systems, fixtures, appliances, furnishings, accessories and features of a motor home that are designed, used and maintained primarily for non-vehicular residential purposes, or parts related to motorcycle repairs.

“(c) It is a violation of this section for any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative to fail to perform any warranty obligations under the motor vehicle manufacturer’s warranty, or to fail to include in written notices of factory recalls to dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of such defects, or to fail to compensate any of the motor vehicle dealers for repairs effected by such recall.

“(d) All claims made by new motor vehicle dealers pursuant to this section for such labor and parts shall be paid within 30 days following their approval; provided, however, that the manufacturer retains the right to audit such claims and to charge back the dealer for any fraudulent claims for a period of two years following payment. All such claims shall be either approved or disapproved within 30 days after their receipt on forms and in the manner specified by the manufacturer, and any claim not specifically disapproved in writing within 30 days after the receipt shall be construed to be approved and payment must follow within 30 days.”

“§8-20-9.

“(a) Notwithstanding the terms, provisions or conditions of any agreement or franchise, the new motor vehicle dealer is solely liable for damages to new motor vehicles occurring after acceptance of the new motor vehicle from the carrier and before delivery to the ultimate purchaser.

“(b) Notwithstanding the terms, provisions or conditions of any agreement or franchise, the manufacturer is liable for all damages to motor vehicles occurring before delivery to a carrier or transporter. If a new motor vehicle dealer determines the method of transportation, the risk of loss passes to the dealer upon delivery of the vehicle to the carrier. In every other instance, the risk of loss remains with the manufacturer until such time as the new motor vehicle dealer or his designee accepts the vehicle from the carrier.

“(c) With respect to new or used vehicles sold or otherwise transferred by the manufacturer to a new motor vehicle dealer, the manufacturer shall notify in writing the new motor vehicle dealer of all damage and repairs made to such vehicle which is known to the manufacturer.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1991

Time: 4:24 P.M.

Act No. 91-213

H. 589 — Reps. Blakeney, Dolbare

AN ACT

Relating to Clarke County; providing further for an expense allowance for members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, each member of the County Commission is hereby entitled to receive an expense allowance in the amount of \$5,000.00 per year. The expense allowance provided by this act shall be in addition to any and all other compensation and expense allowances heretofore provided by law and shall be payable in equal monthly installments out of the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 5, 1991 without approval by the Governor.

Act No. 91-214

H. 140 — Rep. Richardson

AN ACT

Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the words "Electric Board" shall mean the Electric Power Board of the City of Scottsboro, Alabama, in Jackson County, a corporation organized under Title 37, Section 402 (15), and existing under the authority of Sections 11-50-310 et al, of the Code of Alabama 1975.

Section 2. In addition to all other powers, rights, and authority heretofore granted by law:

(a) Such electric board is hereby authorized and empowered to acquire, purchase, construct, lease, operate, maintain, enlarge, extend and improve a community antenna television system, "CATV", which may be defined, without limiting the generality, as a facility that in whole or in part, receives directly, or indirectly, or over the air, and amplifies or otherwise modifies the signal transmitting programs broadcast by one or more television or radio stations from any point within this state or any other state and distributes such signals by wire or cable or any other means to subscribing members of the public who pay for such service; and

(b) Such electric board is hereby authorized and empowered to acquire, purchase, lease, construct, operate, maintain, enlarge, extend and improve a system of auxiliary services which may be identified generally as any communication service, in addition to the CATV transmissions, which shall include, but be not limited to burglar alarm systems, data transmissions, facsimile service, home shopping service, and any allied or similar communications services.

Section 3. For the purposes of this act, such electric board may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 4. (a) In payment for the purchase, lease, construction, acquisition, extension or maintenance of such CATV system, the said electric board may issue bonds in the manner provided by law.

(b) Such electric board, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, lease, extension or maintenance of a CATV system may execute a mortgage or deed of trust upon any or all of such system and all property used solely in connection therewith, including the franchise or any part thereof.

(c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the electric

board and holders of such bonds or securities issued by such electric board as may be determined and agreed upon by the governing body of the electric board and persons, firms or corporations owning such debts, bonds or securities.

(d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure may acquire the right, privilege or franchise of operating such system as may be sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the electric board is authorized to operate until the electric board may redeem such system from such mortgage sale.

(e) Such mortgage or deed of trust may provide that during the ownership of the system by the electric board, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such electric board may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 5. The electric board furnishing CATV service pursuant to this act shall have the right to require any person furnishing television cable service to the public within its jurisdiction to inter-connect the television cable, lines, facilities or systems furnishing such service with, or otherwise make available such cables, lines, facilities or systems to the electric board's television cable, lines facilities or system in order to provide a continuous line of communication for the electric board's subscribers.

Section 6. The electric board shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this act and in effectuating the purposes of this act.

Section 7. For the transaction of business pursuant to this act, the said electric board shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 8. No provision of this act shall be used to constitute the incurring of a debt by the electric board within the state constitutional provisions or statutory limitations on debts of the City of Scottsboro.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 5, 1991 without approval by the Governor.

Act No. 91-215

S.J.R. 98 — Senators Bedsole and Windom

SENATE JOINT RESOLUTION

REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DIRECT CERTAIN PERSONS EXCAVATING SANDY SEDIMENT TO USE SUCH SEDIMENT FOR CERTAIN BEACH RESTORATION AND EROSION CONTROL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Environmental Management is hereby authorized to direct that any person or governmental agency, responsible for the excavation of sandy sediment as a result of any activity conducted to maintain navigable depths within or immediately adjacent to any coastal barrier beach inlet shall use such sediment for beach nourishment.

BE IT FURTHER RESOLVED, That the governor and the state attorney general are hereby urged to enter into agreements, contracts, memorandum agreements or compacts with the authorized agents of the United States Corps of Engineers for the purpose of beach erosion control, beach restoration and beach nourishment projects and protection against environmental damage to the littoral system of this state and for areas of historical significance or for preservation.

RESOLVED FURTHER, That the Department of Environmental Management shall annually report to the Legislature the

status of any changes to the previously adopted procedures for determining erosion projections and that a copy of this resolution be sent forthwith to the Department.

This Act became a law under Section 125 of the Constitution on July 5, 1991 without approval by the Governor.

Act No. 91-216

H.J.R. 354 — Reps. Freeman, Hall, Butler,
Haney, Grayson, Sanderford

HOUSE JOINT RESOLUTION

COMMENDING JOSEPH C. MOQUIN FOR DISTINGUISHED SERVICE AND LEADERSHIP AS INTERIM PRESIDENT OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, Joseph C. Moquin of Huntsville, Alabama, is one of our state's most distinguished citizens, having provided outstanding leadership in the areas of economic development and civic affairs, both in the Huntsville area and throughout the State of Alabama; and

WHEREAS, a native of Massachusetts, Mr. Moquin is a graduate of Washington University in St. Louis, Missouri, where he received the Bachelor of Science degree in Engineering and studied additionally thereafter on the post graduate level; he is the recipient of an honorary doctorate from the University of Alabama in Huntsville (UAH) and is former chairman and Chief Executive Officer of Teledyne Brown Engineering; and

WHEREAS, Mr. Moquin was appointed Interim President of the University of Alabama in Huntsville on September 14, 1990, at which time UAH was facing serious financial and leadership problems; and

WHEREAS, despite the uncertainty and instability of the situation at UAH, Mr. Moquin willingly assumed the difficult task before him and, from the onset of his tenure, provided the necessary leadership to unite faculty, staff and students in addressing the problems at hand through the steady development of programs to recover from the University's difficult situation without impacting adversely upon the on-going educational and research activities on campus; and

WHEREAS, Mr. Moquin has indeed performed admirably in providing inspirational leadership to UAH, thereby enabling the University to re-chart and resume a futuristic course over calmer waters; and

WHEREAS, the University of Alabama, UAH and the State of Alabama are deeply indebted to Mr. Moquin for his acceptance of the interim presidency of UAH, and most particularly for his assumption of this difficult assignment at a time in life when he had earned the rest and relaxation of retirement following his long and highly successful professional career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Joseph C. Moquin for outstanding service as Interim President of the University of Alabama in Huntsville, and do further direct that he receive a copy of this resolution, executed in highest praise of his performance and in deepest gratitude for his service and accomplishments on behalf of UAH.

Approved July 11, 1991

Time: 2:00 P.M.

Act No. 91-217

H. 833 — Rep. Newman

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevill Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature by general or local law may provide for and authorize in Fayette County the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority, for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes. Any such law may provide for the composition of the board of directors of the authority and specify the powers and duties of the authority and its board of directors, may authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, and to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective, may authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein, may make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority, may provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued, may provide further for certain taxes, may provide that such bonds and notes shall constitute negotiable instruments, may provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and may provide that bonds and notes of the authority may be issued under a trust indenture, may provide for constructive notice of any such statutory mortgage lien, may authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority, may provide for the

use of the proceeds of bonds and notes issued by the authority and provide for the refunding by the issuance of bonds and notes of the authority of bonds and notes theretofore issued or obligations theretofore assumed by it, may provide that bonds and notes issued and contracts entered into by the authority pursuant to the act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state, may authorize the Fayette County commission and the municipalities located within Fayette County to contribute money to the authority, without the necessity of an election and with or without consideration therefor, may exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and exempt the authority from payment of certain charges to judges of probate, it grants to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes, may provide that the authority shall have zoning power within the boundaries of the management area, may provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance, may provide for the use of public roads in the state by the authority, and may provide for certain annual reports by the authority.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Fayette County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 5, 1991

Passed the Senate July 11, 1991

Act No. 91-218

H. 956 — Rep. Anderson

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Decatur, Morgan County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may by local act provide for the election of the members of the board of education of the City of Decatur in Morgan County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in the City of Decatur, Morgan County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 26, 1991

Passed the Senate July 11, 1991

Act No. 91-219

H. 301 — Rep. Campbell

AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic

beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide for a final approval committee and its responsibilities; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide for funding of said trust from percentages of trust income earned from investment of funds in the Alabama Trust Fund; to provide for title to acquired property to be held by the Alabama Trust Fund Board; to provide for a stewardship account for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; to provide that after the state's 2011-2012 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship account or as provided by the Legislature; and to provide that income generated from acquired property shall accrue to the general fund of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is hereby proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon pursuant to the provisions of Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Section 1. Declaration of Purpose.

The Legislature of Alabama finds that Alabama is endowed with a rich diversity of natural areas having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational values and scenic beauty. As a part of the continuing growth of the population and the economic development of the state, it is necessary and desirable that certain lands and waters be set aside, managed and preserved for use as state parks, nature preserves, recreation areas, and wildlife management areas. In order to meet the State's outdoor recreation needs and to protect the natural heritage of Alabama for the benefit of present and future generations, it is the policy of the state to:

(a) Protect, manage, and enhance certain lands and waters of Alabama with full recognition that this generation is a trustee of the environment for succeeding generations;

(b) Protect, to the fullest extent practicable, recreational lands and areas of unique ecological, biological and geological importance; and

(c) Promote a proper balance among population growth, economic development, environmental protection, and ecological diversity.

Accordingly, there is hereby established the Alabama Forever Wild Land Trust for the purpose of identifying, acquiring, managing, protecting and preserving natural lands and waters that are of environmental or recreational importance.

Section 2. Definitions.

(1) "Alabama Trust Fund" means the irrevocable, permanent trust fund created by Amendment 450 to this Alabama Constitution of 1901.

(2) "Alabama Trust Fund Board" means the board of trustees of the Alabama Trust Fund as established by Amendment 450 to this Alabama Constitution of 1901.

(3) "Appraised Value" means that price estimated in terms of money at which the property would change hands between a willing and financially able buyer and a willing seller, neither being under any compulsion to buy or sell.

(4) "Board" means the Board of Trustees of the Alabama Forever Wild Land Trust, as established by Section 4 of this Amendment.

(5) "Commissioner" means the Commissioner of the Alabama Department of Conservation and Natural Resources or any other officer of the State who, by law, shall succeed to his responsibilities.

(6) "Conservation Easement" means a right, whether or not stated in the form of restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of land providing for the retention of properties predominately in their natural, scenic, open or wooded condition, or as suitable habitat for fish and wildlife, or as recreational lands.

(7) "Dedication" means the transfer to the State of an estate, interest, or right in a natural area to fulfill the purposes of this Amendment.

(8) "Department" means the Alabama Department of Conservation and Natural Resources or any other department or agency of the state that, by law, shall succeed to its functions and responsibilities.

(9) "Final Approval Committee" means a Committee, as established by Section 6 of this Amendment, to be composed of the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

(10) "Forever Wild Land Trust" means the Alabama Forever Wild Land Trust created by this Amendment.

(11) "Instrument of Dedication" means any written document by which an estate, interest, or right in a natural area is formally dedicated as a natural area preserve.

(12) "Land" or "lands" means real property and any interests therein, including, but not limited to, fee simple titles, ownership interests less than fee simple, leases, easements, licenses, restrictions and use agreements. Such property and interests therein shall also include wetlands, estuarine areas and submerged lands and the waters thereon.

(13) "Natural Area" means any property, whether publicly or privately owned, (a) that retains or has generally reestablished its natural character, though it need not be completely natural and undisturbed, or (b) which is important in preserving rare or vanishing flora and fauna, native ecological systems, fish and wildlife habitats, geological, natural, scenic or similar features of scientific, recreational, or educational value benefitting the citizens of the State.

(14) "Natural Area Preserve" means a natural area that has been dedicated pursuant to Section 12 of this Amendment.

(15) "State" means the State of Alabama.

(16) "Stewardship" means the maintenance, protection, operation, enhancement, and management of lands acquired for the Forever Wild Land Trust.

(17) "Trustee" means a member of the Board of Trustees of the Forever Wild Land Trust.

(18) "Trust income" means the net income received by the state from the investment and reinvestment of all assets of the Alabama Trust Fund, determined in accordance with the provisions of Amendment Number 450 of the Constitution of Alabama of 1901.

(19) In dividing the State into geographical regions:

(a) "Central District" means the following counties of the state: Autauga, Bibb, Chambers, Chilton, Clay, Coosa, Elmore, Greene, Hale, Jefferson, Lee, Perry, Pickens, Randolph, Shelby, Sumter, Talladega, Tallapoosa, and Tuscaloosa.

(b) "Northern District" means those counties in the geographical region of the state north of the Central District, as defined above.

(c) "Southern District" means those counties in the geographical region of the state south of the Central District, as defined above.

(20) "Person" means any individual, firm, corporation, trust, partnership or association.

Section 3. Establishment of Forever Wild Land Trust, Lead Management Agency, and Categories of Lands to be Acquired.

(a) For the purposes set forth in this Amendment, there is hereby established the Alabama Forever Wild Land Trust, which shall be a permanent trust to be funded and administered in accordance with the provisions of this Amendment. Title to all properties acquired for the Forever Wild Land Trust shall be vested in the Alabama Trust Fund for the State of Alabama. The Department shall serve as the lead management agency with respect to all lands acquired and shall have the responsibility of providing to the Board administrative support as necessary.

(b) In order to protect the natural heritage and diversity of Alabama for future generations, the State, acting through the Forever Wild Land Trust, will acquire lands, the title of which shall be held in the Alabama Trust Fund, to ensure their protection and use for conservational, educational, recreational or aesthetic purposes. These lands may include, but shall not be limited to, the following: Wetlands, river corridors, lakes and streams, and the banks and shores thereof, springs, riverine, montane, plain, coastal, and other kinds of terrain, geological systems, areas supporting threatened or endangered species, sensitive and ecologically important lands, unusual habitat types, forests and woodlands, fish and wildlife habitats, wilderness areas, unusual assemblages of wildflowers, natural lands, waters or wetlands that will provide public hunting and fishing, lands having other distinctive natural or recreational characteristics, and lands that will constitute suitable additions to the state's system of parks and fish and wildlife management areas.

(c) Property purchased with Forever Wild Land Trust moneys or which become part of the trust property through dedication or by some other means shall be subject to the condemnation of easements, rights-of-way and other necessary rights and estates in property by or on behalf of corporations that construct, own or operate railroads, pipelines for the transportation of oil, gas, fuel or water, hydroelectric or other electric generating facilities and electric lines, telephone transmission lines and other communication

facilities, or any other public utility or method of transportation which serves, or is intended to serve, the public convenience and necessity to the same extent and under the same conditions that such lands, if owned by private persons, would be subject to condemnation by such corporations under federal or state law now in effect or hereafter enacted. No use of any such lands as determined by the Board shall constitute a use thereof for public purposes that will require proof of actual necessity by any corporation seeking to condemn such lands.

(d) Notwithstanding any other provision of this Amendment, no property shall be acquired for the Alabama Trust Fund or with moneys from the Forever Wild Land Trust through condemnation or the use of eminent domain.

(e) No funds or assets of the Forever Wild Land Trust derived from any source shall be expended or used to construct or improve buildings, structures or facilities used for human lodging, feeding or entertainment, including, without limitation thereto, hotels and other lodging facilities, restaurants, convention centers and meeting halls, golf courses, dancing or meeting pavilions, tennis courts, recreational dams, exhibition halls, and similar facilities that have a principal purpose not related to the stewardship of properties of the Forever Wild Land Trust, the title of which is held in the Alabama Trust Fund, in their natural state; provided, however, that nothing herein contained shall be construed to prohibit the expenditure of funds allocated to the Stewardship Account for the construction and maintenance of roads, bridges, culverts, drainage facilities, hiking trails, boat launching ramps and other improvements located on Trust Lands to provide reasonable public access thereto, for the construction and maintenance of visitors' centers and facilities, interpretive displays and other facilities for the guidance and education of visitors, for the construction and maintenance of facilities and the acquisition of equipment necessary or appropriate in connection with the performance of stewardship responsibilities (including housing for custodial personnel), or for any other purpose reasonably related to the stewardship responsibilities of the Board.

Section 4. Establishment of Board of Trustees of the Alabama Forever Wild Land Trust.

(a) There is hereby established the Board of Trustees of the Alabama Forever Wild Land Trust, which shall consist of fifteen voting members as follows:

(1) One member shall be the Commissioner of the Department who shall also serve as Chairman of the Board.

(2) One member shall be the State Forester.

(3) Three members which shall be appointed by the Alabama Commission on Higher Education from Departments of Biology, Zoology, Environmental Sciences and Wildlife Science from eligible four-year institutions of higher education in Alabama. An eligible institution shall consist of a public or private four-year college or university, offering a degree in biology or one of its divisions, and having an enrollment of at least 1500 undergraduate students. There shall be one professional biologist appointed to the Board from eligible institutions in the Northern District of the State, one from such institutions in the Central District of the State, and one from such institutions in the Southern District of the State, as said districts are defined in Section 2 hereof. Each eligible institution in the appropriate geographical region shall be entitled to submit one nomination to the Alabama Commission on Higher Education for the professional biologist trustee from that region on the Board.

(4) One member shall be the Executive Director of the Marine Environmental Sciences Consortium.

(5) There shall be three members from each of the three geographical regions of the State as defined in Section 2 of this Amendment, as follows. Provided, however, at least one appointee by the Governor, at least one appointee by the Lieutenant Governor and at least one appointee by the Speaker of the House of Representatives shall be black. If none of the recommending groups recommend a black to the appointing authority, said appointing authority shall appoint a black on his or her own initiative.

(A) One member from the Northern District shall be appointed by the Governor from a list of names presented by Group A and shall serve an initial term of six years. One member from the Northern District shall be appointed by the Lieutenant Governor from a list of names presented by Group B and shall serve an initial term of four years. One member from the Northern District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group C and shall serve an initial term of two years.

(B) One member from the Central District shall be appointed by the Lieutenant Governor from a list of names presented by Group C and shall serve an initial term of six years. One member from the Central District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group A and shall serve an initial term of four years. One member from the Central District shall be appointed by the Governor from a list of names presented by Group B and shall serve an initial term of two years.

(C) One member from the Southern District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group B and shall serve an initial term of six years. One member from the Southern District shall be appointed by the Governor from a list of names presented by Group C and shall serve an initial term of four years. One member from the Southern District shall be appointed by the Lieutenant Governor from a list of names presented by Group A and shall serve an initial term of two years.

(D) Any successor appointments and appointments to vacancies shall be made in the same manner as described in subparagraphs (A), (B) and (C) above, and members appointed after the initial term of that office has expired shall serve for six-year terms, except that no member shall serve consecutive six-year terms.

(E) It is the intent of this Amendment that the eastern and western areas of the three geographical regions of the State shall be represented on the Board of Trustees.

(6) Each person appointed to the Board shall be and remain an Alabama resident and shall have a demonstrated knowledge of and commitment to land acquisition for the purposes of conservation and recreation. Organizations making recommendations to the appointing officials shall be Alabama organizations or the Alabama chapter of national organizations in order to ensure that the decisions affecting Alabama's future are made by Alabama residents.

The recommending groups are composed as follows:

(A) "Group A" shall consist of non-profit organizations, each having its principal programs extending generally throughout the State, whose demonstrated primary concerns are environmental protection for the state and its citizens and non-consumptive use and preservation of natural areas, and whose membership exceeds 750 individual residents of Alabama, including, but not limited to, The Nature Conservancy of Alabama, the Alabama Audubon Council (comprising the chapters in Alabama of the National Audubon Society), The Alabama Conservancy, the Alabama Chapter of the Sierra Club, and their respective successor organizations.

(B) "Group B" shall consist of business, industry, trade associations and professional organizations, each having its principal programs extending generally throughout the state, and having a demonstrated concern for balancing economic growth with protection for the environment and increased recreational opportunities, including, but not limited to, the Business Council of Alabama, the Alabama Forestry Association, Alabama Forest Resources Center,

the Alabama Farmers Federation, the Petroleum Council of Alabama, the Association of County Commissions of Alabama, and their respective successor organizations.

(C) "Group C" shall consist of non-profit organizations, each having its principal programs extending generally throughout the State, whose demonstrated primary purposes are to promote hunting, fishing, camping or other compatible recreational activities or conservation for such purposes, and whose membership exceeds 750 individual residents of Alabama, including, but not limited to, the Alabama Wildlife Federation, the Alabama State Advisory Council of Ducks Unlimited, Bowhunters of Alabama Inc., the Coastal Land Trust, Inc., the Gulf Coast Conservation Association, the Tennessee Valley Waterfowl Association, the Alabama Rifle and Pistol Association, the Alabama Chapter of the Safari Club International (whether or not those named organizations meet the membership requirement), and their respective successor organizations.

(D) In order to qualify as a recommending organization, each organization not specifically listed in this section must file with the Secretary of State and with the named organizations within the same "group", by January 1 preceding the date of expiration of term of office of Trustees hereunder, a written statement of intent to nominate persons to serve on the Board. This statement must include a request for designation of the "group" within which the organization plans to nominate Trustees and information demonstrating that the organization qualifies to make such nominations. It shall also include a copy of the organization's charter, stating its purpose. Should the Secretary of State or any of the named organizations within the same group oppose in writing the eligibility of the new organization to nominate members of the Board or the designation of the "group" within which it proposes to nominate members, then the Secretary of State shall determine the eligibility of the applying organization to submit nominations for membership on the Board and, if determined eligible, the "group" within which it shall submit nominations. In making this decision, the Secretary of State shall give due consideration to the views submitted to him by the organizations in the "group" within which the new organization proposes to submit nominations. An organization, together with its affiliates, cannot recommend names to the appointing officials as a member of more than one "group."

Each organization submitting nominations may submit, to the appropriate appointing official for that position on the Board, the names of not more than two of its members who have the qualifications to serve in the position for which they are being nominated. In the event that no organization within a group recommends names

to the appointing official, then that official may appoint a Trustee from that group solely of his own choice.

(E) Terms of office of the initial Trustees shall begin on the January 1 following ratification of this Amendment, or on the first day of the third month following said ratification, whichever shall first occur. Terms of office of successor Trustees shall begin and end on anniversaries of that date. In the case of the initial appointments of Trustees, nominations shall be made to the appropriate appointing officials not later than one month after ratification of this Amendment, and appointments by said officials shall be made by the date of beginning of the initial Trustees' terms of office. Nominations of successor Trustees shall be made to the appropriate appointing officials not later than two months prior to the expiration of the Trustees' terms of office, and said officials shall appoint new Trustees within 30 calendar days after the expiration of said terms. In the event a Trustee resigns or dies, or otherwise vacates his office, the Commissioner or the Secretary of State shall promptly notify the appropriate nominating organizations and shall publish notice of such vacancy once a week for three successive weeks in three newspapers of regional circulation in this state with a request for new nominations from any group that may qualify to do so under the provisions of this Amendment. Nominations for a replacement Trustee shall be made to the appointing official during the 30 calendar days following such death, resignation or other vacation of office, and the appointing official shall appoint a replacement Trustee not later than the end of the next succeeding 30 calendar days thereafter. In the event the appropriate appointing official fails to make an initial appointment or an appointment within said 30-day periods for appointment after expiration of term of office or after death, resignation or other vacation of office, the right to make an appointment to fill that vacancy shall fall to the next appointing official in line of rotation of the Governor to the Lieutenant Governor to the Speaker of the House (with the Governor then to follow the Speaker); and, if that successor appointing official fails to make such appointment within 30 days, then the right to make the appointment shall fall to the next succeeding appointing official, all to the end that there will, as nearly as possible, always be a full complement of Trustees on the Board. Trustees appointed to fill a vacancy other than by reason of expiration of term of office shall serve the remainder of the unexpired term of the Trustee being replaced.

Section 5. Rights, Powers, and Duties of the Board.

(a) The Board is to meet at least quarterly each year for the transaction of its business and to review the progress of the Forever Wild Land Trust. It shall review written requests from

state agencies, private organizations, and private citizens proposing that certain properties or interests therein be acquired. For purposes of establishing a quorum, there must be present at least three-fifths (3/5) of the members of the Board then in office at any Board meeting in order to conduct business; provided, however, that in absence of a quorum, the members present, by majority vote, may adjourn the meeting from time to time until a quorum shall attend. Any Board action or recommendation must be approved by at least three-fifths (3/5) of the members of the entire Board then in office, unless specified otherwise in this Amendment. Using its own knowledge and expertise, as well as the knowledge and expertise of the scientific community and state and federal agencies, the Board shall adopt a priority list of properties to be considered for acquisition. Recognizing that real estate transactions must involve willing sellers and may involve complicated procedures that could affect the availability of property, the Department shall, to the extent practicable, follow the directions of the Board in acquiring lands or waters. Provided, however, the Forever Wild Land Trust may only purchase or acquire an interest in property from the priority list of properties adopted by the Board.

(b) In addition to the site-specific management and allowable use guidelines referred to in Section 9, the Board may recommend to the Department rules, regulations and management criteria, which the Board feels would be beneficial to carrying out the goals and purposes of this Amendment.

(c) The Board shall assist the Department in developing and maintaining an inventory of areas and sites which through acquisition become state natural and/or recreational areas and shall make public as desirable information regarding their location, management, regulation, and permissible public uses.

(d) The Board shall prepare and submit to the Governor and the state Legislature, on or before February 1 of each year, a report which shall describe and account for all expenditures and acquisitions by the Forever Wild Land Trust for the preceding fiscal year, as well as plans for the current fiscal year. The Board shall present this annual report to the public at a public meeting to be held within ten days after February 1 of each year. The public meeting shall be an informal process to present information on the Forever Wild Land Trust to the public and give the public an opportunity to have a dialogue with the Board regarding its future plans and operations.

(e) Before purchasing or acquiring any interest in lands with moneys from the Forever Wild Land Trust, the Board, acting through the Commissioner, or the Commissioner on his own initiative, shall

obtain at least two appraisals from certified real estate appraisers. In no event shall the Board expend more than the "appraised value", as defined in Section 2 of this Amendment, in purchasing such lands; provided, however, that by affirmative vote of at least three-fourths (3/4) of the members of the Board, the Board may expend up to 125 percent of the appraised value for such purchase where such action is necessary to accomplish the purposes and goals of this Amendment.

(f) The Board may assume indebtedness on behalf of the Forever Wild Land Trust that may be owed with respect to real or personal property given, donated, contributed or devised to the Forever Wild Land Trust, or that may be secured by a mortgage, deed of trust or security interest covering such property, and to agree to pay such indebtedness from current assets or future revenues of the Forever Wild Land Trust; provided that the present value of all installments of principal and of interest on such indebtedness at the time of the assumption thereof, determined in accordance with accepted principles and using a discount rate equal to the rate of interest payable on such indebtedness, shall be less than 80% of the fair market value of such property as determined by an active public market for such property or an appraisal performed by an independent, professionally qualified appraiser.

(g) The Board may contract for the purchase of tracts or parcels of land in which the purchase price shall be payable in future installments, together with such rate of interest on the unpaid balance of such purchase price as the Board shall determine to be reasonable, and to secure the payment of such installments, together with the interest thereon, by purchase money mortgages on the land so acquired and by a pledge of future revenues committed to the Forever Wild Land Trust, including, without limitation thereto, any portion of the trust income allocated to said trust by Section 7 of this Amendment; provided that such installments shall in no event exceed 80% of the fair market value of such property determined as set forth in the preceding subsection and provided further that the total cumulative indebtedness assumed each year under the preceding sub-section (f) together with the total cumulative indebtedness incurred each year by purchase money mortgages as provided in this sub-section (g) shall be limited to no more than 25% of the trust income allocated to said trust for the preceding year.

(h) The Board may enter into contracts with any person, non-profit organization, corporation, governmental entity or other entity concerning tracts or parcels of land that constitute desirable acquisitions for the Forever Wild Land Trust pursuant to which such person, nonprofit organization, corporation, governmental

entity or other entity will agree to acquire and hold such land, or to hold such land if theretofore acquired by such person, nonprofit organization, corporation, governmental entity or other entity and to sell or donate such land to the Forever Wild Land Trust at some future date, in the interim preserving and managing such land in its natural state subject to such conditions, including the reimbursement of expenses, as the Board shall deem advantageous for the ultimate acquisition and preservation of such land.

(i) The Board may sell, lease or exchange specific properties or interests therein acquired or held by the Alabama Trust Fund for the Forever Wild Land Trust. Any such sale or exchange shall be made at not less than the "appraised value", as defined in Section 2 of this Amendment; provided, however, that by affirmative vote of at least three-fourths (3/4) of the members of the Board, the Board may authorize and direct the Commissioner to sell or exchange property of said trust for not less than 85 percent of the appraised value where such action is necessary to accomplish the purposes and goals of the Amendment. All moneys received from any such sale or lease shall be paid into the Forever Wild Land Trust.

(j) The Board shall establish a technical advisory committee, consisting of the State Forester, the President of the Alabama Chapter of the Wildlife Society, the State Geologist, and any other person whom the Board may desire to appoint, for the purpose of obtaining advice and assistance in performing the Board's functions and duties under this Amendment.

(k) In addition, the Board is authorized at its discretion:

(1) to establish procedures relating to the confidentiality of information where necessary to accomplish the purposes and goals of this Amendment;

(2) to cooperate or contract with any federal, state or local government agency, private organization, or individual to accomplish any of the purposes and goals of this Amendment, paying any reasonable fees or expenses in connection with such cooperation or contracts from moneys held under or within the Forever Wild Land Trust;

(3) to recommend that moneys paid into the Forever Wild Land Trust be allowed to accumulate, with only the income thereon being spent, or that the corpus or principal of the Forever Wild Land Trust be expended in whole or in part;

(4) to do any and all things necessary to take advantage of federal, state, or local government or private funds donated or obtainable through the use of the Forever Wild Land Trust; and

(5) to adopt, alter and repeal bylaws, regulations and rules in accordance with the provisions of the Administrative Procedure Act for the regulation and conduct of its affairs and business in accordance with the provisions of the Alabama Administrative Procedures Act.

(l) Members of the Board and the technical advisory committee shall be entitled to receive the per diem allowance and travel expenses provided by law to state employees. These expense payments shall be for the sole purpose of travel to and from their places of residence to meetings and for travel involving official business of the Forever Wild Land Trust. Those members who are state officials or employees shall serve without compensation or expense allowances other than that to which they are otherwise entitled in the positions they hold.

(m) The Commissioner and the Department are hereby specifically authorized and empowered to carry out all directions and recommendations of the Board made hereunder to accomplish the purposes of the Forever Wild Land Trust and this Amendment.

Section 6. Final Approval Committee.

There is hereby established a Final Approval Committee to be composed of the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

Before purchasing or leasing any property, or acquiring any interest therein, with any funds from the Forever Wild Land Trust or selling any properties previously purchased from the Forever Wild Land Trust, the Board shall submit to the Final Approval Committee a written proposal of the purchase, lease, sale or acquisition of any other interest in property. Said proposal shall include a legal description of the property to be purchased, leased or sold; the proposed purchase, lease or sale price; and any additional terms of the sale, purchase, lease or other interest therein. The Final Approval Committee shall approve or disapprove the proposal by a majority vote of the full membership of said Committee within 30 days after the date of submission of the proposal. Failure of the Committee to act within 30 days of submission shall constitute approval of said proposal.

Section 7. Source of Funds.

(a) Beginning with the state's 1992-1993 fiscal year, there shall be allocated and paid into the Forever Wild Land Trust the percentage of trust income earned from the Alabama Trust Fund that would have been reinvested in the Alabama Trust Fund under Section 4(c) of Amendment Number 450 to this Alabama Constitution of 1901. Notwithstanding Section 4(c) of Amendment

Number 450 to the Alabama Constitution of 1901, the percentage of trust income earned from the Alabama Trust Fund shall be allocated to the Forever Wild Land Trust as follows:

(1) For the 1992-1993 fiscal year, four percent (4%) of the trust income earned from the Alabama Trust Fund.

(2) For the 1993-1994 fiscal year, five percent (5%) of the trust income earned from the Alabama Trust Fund.

(3) For the 1994-1995 fiscal year, six percent (6%) of the trust income earned from the Alabama Trust Fund.

(4) For the 1995-1996 fiscal year, seven percent (7%) of the trust income earned from the Alabama Trust Fund.

(5) For the 1996-1997 fiscal year, eight percent (8%) of the trust income earned from the Alabama Trust Fund.

(6) For the 1997-1998 fiscal year, nine percent (9%) of the trust income earned from the Alabama Trust Fund.

(7) Thereafter, ten percent (10%) of the trust income earned from the Alabama Trust Fund; provided, however, that in no event shall such trust income paid to the Forever Wild Land Trust exceed \$15 million in any one fiscal year.

(b) The Alabama Trust Fund Board shall provide the Board of Trustees of the Forever Wild Land Trust with advice and assistance in the investment of funds in the Forever Wild Land Trust.

(c) Title to the property acquired from funds in the Forever Wild Land Trust shall be held in the Alabama Trust Fund for the State of Alabama. Provided, however, the Alabama Trust Fund Board shall not have any responsibility for nor any control over the approving or disapproving of the acquisition, disposition or use of any such property. Nothing in this Amendment or Amendment 450 to this Alabama Constitution of 1901 shall be construed so as to require the Alabama Trust Fund Board to have a fiduciary responsibility for the investment of Forever Wild Land Trust funds or the production of income from property acquired by the Board of Trustees of the Forever Wild Land Trust.

(d) The amounts allocated to the Forever Wild Land Trust shall be included in determining whether the trust income received by the state from the Alabama Trust Fund equals or exceeds \$60,000,000 for the purposes of the County Government Capital Improvement Act (codified at Sections 11-29-1 through 11-29-7 of the Code of Alabama, 1975, as amended) and the Municipal Government Capital Improvement Act (codified at Sections 11-66-1 through 11-66-7 of the Code of Alabama, 1975, as amended). In no

event shall any provision hereof serve to decrease the amount of income from the Alabama Trust Fund which is to be appropriated to the Municipal Government Capital Improvement Fund and the County Government Capital Improvement Fund under the above-referenced acts.

Section 8. Donations of Property.

Any person making a donation of any property or any interest therein, to the State for the purposes of this Amendment, shall receive, irrespective of any other provisions of the income tax laws of the State, twice the ordinary deduction for state income tax purposes for the taxable year in which the property or interest is donated. Provided however, the value of any such property or interest therein, subject to this double deduction, shall be limited to the actual value of the property, or any interest therein, donated to the State which shall not include any indebtedness, encumbrances or liens assumed by the Forever Wild Land Trust or the value of any interests or rights retained by the donor.

For the purposes of this section, the "actual value" of property shall be the appraised value for ad valorem taxation purposes, averaged over the preceeding five years.

Section 9. Stewardship Account.

The Alabama Trust Fund Board shall establish a separate account within the Alabama Trust Fund to be known as the Forever Wild Land Trust Stewardship Account. When the Forever Wild Land Trust acquires property or an interest in property pursuant to this Amendment, the Board of Trustees of the Forever Wild Land Trust shall set aside an amount from the Forever Wild Land Trust equal to fifteen percent (15%) of the appraised value of the land acquired, or the land affected if less than a fee interest was acquired. The Alabama Trust Fund Board shall provide for the investment of the Stewardship Account. The Board of Trustees of the Alabama Forever Wild Land Trust may authorize the Department to expend any interest income generated from the investment of funds within the Stewardship Account by the Alabama Trust Fund Board. Provided, however, the Commissioner shall notify the Board of Trustees in writing if he determines that the interest income projected to be generated from the Forever Wild Land Trust Stewardship Account for the next fiscal year will be insufficient to properly manage property acquired by the Forever Wild Land Trust. The Board may authorize by a three-fifths (3/5) vote that funds within the corpus of the Forever Wild Land Trust Stewardship Account be expended by the Department for management purposes for the next fiscal year, provided that funds from the

Stewardship Account may not be expended to purchase additional property or interests therein. Within one year after the Forever Wild Land Trust acquires any properties pursuant to this Amendment, the Board of Trustees of the Forever Wild Land Trust shall develop management and allowable use guidelines which shall be followed by the Department in the administration and stewardship of that piece of property. The Lands Division of the Department shall, in accordance with such general directions as may be given by the Board of Trustees, coordinate management of properties acquired pursuant to this Amendment and expenditures from the Stewardship Account. All lands will be managed under the multiple-use management principle; to insure that all resource values including recreation, hunting, fishing, boating, hiking, aesthetics, soil, water, forest management and minerals are protected or enhanced. No use will be allowed that is not compatible with the primary purpose for acquiring the land. In coordinating such management within the Department, the Game and Fish Division of the Department shall manage wildlife and fisheries programs; the State Parks Division of the Department shall manage parks programs; the Lands Division of the Department shall manage natural areas programs through its Natural Heritage Program; and the Lands Division of the Department shall manage other activities and programs relating to Forever Wild Land Trust properties. The Forestry Commission shall serve as consultant to the Department for the purpose of managing the forest and forestry resources programs. Any income that may be generated from the property or from any use of said property acquired through the Forever Wild Land Trust shall be treated as interest income of the Alabama Trust Fund and shall accrue to the credit of the general fund of the State of Alabama.

The right of the public to hunt and fish on the lands and easements acquired under the provisions of this act shall not be abridged or restricted, subject to such rules, regulations, seasons and limits as are established by the Department of Conservation and Natural Resources.

Section 10. Enforceability of Conservation Restrictions; Recordation; Acquisition and Disposal of Interests.

(a) No conservation restriction or easement as defined in Section 2 of this Amendment held by any governmental body shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable to or being assigned to any other governmental body with like purposes. All such restrictions and easements shall be duly recorded and indexed in the manner of other conveyances of interests in land, and shall describe the land subject to the

restrictions or easements by adequate legal description or by reference to a recorded plat showing its boundaries.

Such conservation restrictions are interests in land and may be acquired by any governmental body which has power to acquire interests in land, in the same manner as it may acquire other interests in land. Such a restriction or easement may be enforced by injunction or proceeding in equity, and shall entitle the holder of it to enter the land in a reasonable manner and at reasonable times to assure compliance. Such a restriction or easement may be released in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interest in land, subject to such conditions as may have been imposed at the time of creation of the restriction.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable. Nothing in this Amendment shall diminish the powers granted by any law to acquire by purchase, gift, eminent domain or otherwise as restricting the use of an existing or future easement, express or implied, in favor of any utility or other holder of an easement for public purpose. The existence of conservation easements or restrictions shall not of itself be proof of value as a measure of damages in any eminent domain proceedings.

(b) When a conservation restriction or easement is held by a public body under the program established by this Amendment, the real property subject thereto shall be assessed for taxation purposes on the basis of the true cash value of the property or as otherwise provided by law, less such reduction in value as may result from the granting of the conservation restriction or easement. The value of the interest held by the public body shall be exempt from property taxation to the same extent as other public property.

Section 11. Alabama Natural Heritage Program.

(a) The Alabama Natural Heritage Program is hereby established as a part of the Lands Division of the Department, or its duly designated successor, and shall be funded from the Forever Wild Land Trust or the Forever Wild Land Trust Stewardship Account as provided by the Board, and from private donations.

(b) For purposes of this program, the Department, subject to approval by the Board, shall:

(1) Produce an inventory of Alabama's natural heritage resources, including their location and ecological status.

(2) Maintain a natural heritage data bank of inventory data and other relevant information for ecologically significant sites supporting natural heritage resources. Information from this data bank may be made available to public agencies and to private institutions or individuals for environmental assessment and land management purposes.

(3) Develop a Natural Heritage Plan which suggests priorities for the protection, acquisition and management of dedicated natural area preserves.

(4) Establish procedures relating to the confidentiality of data and inquiries for information in order to protect natural resources and encourage use by public agencies and private organizations and individuals in planning or conducting their activities.

Section 12. Dedication of Natural Area Preserves.

(a) The Department shall, in the name of the State and upon the recommendation of the Board, accept the dedication of natural areas on lands deemed by the Board and the Commissioner to qualify as natural area preserves under the provisions of this Amendment. Natural area preserves may be offered for dedication by voluntary act of the owner. The owner of a qualified natural area may transfer fee simple title or other interest in land to the State. Natural area preserves may be acquired by gift, grant or purchase.

(b) Dedication of a natural area preserve shall become effective only upon acceptance of the instrument of dedication by the Board and the Commissioner.

(c) The instrument of dedication may:

(1) Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to further the purposes of this Amendment;

(2) Define, consistent with the purposes of this Amendment, the respective rights and duties of the owner and of the state and provide procedures to be followed in case of violations of the restrictions;

(3) Recognize and create reversionary rights, transfers upon condition or with limitations, and gifts over; and

(4) Vary in provisions from one natural area preserve to another in accordance with differences in the characteristics and conditions of the several areas.

(d) Public departments, commissions, boards, counties, municipalities, corporations, colleges, universities and all other agencies and instrumentalities of the state and its political subdivisions may dedicate suitable areas within their jurisdiction as natural area preserves in accordance with the powers and authorities granted to such organizations by existing state legislation.

(e) The Board may enter into amendments to the instrument of dedication upon finding that such amendments will not permit an impairment, disturbance, use, or development of the area inconsistent with the provisions of this Amendment. If the fee simple estate in the natural area preserve is not held by the State under this article, no amendment may be made without the written consent of the owner of the other interests therein.

Section 13. Sunset Provision.

Beginning with the state's 2012-2013 fiscal year and each succeeding fiscal year, all moneys to be paid into the Forever Wild Land Trust shall be paid to the Alabama Trust Fund in the event the Legislature has not provided for the continuation of payments into the Forever Wild Land Trust Fund as provided for in this section, provided that 2.5% of the trust income earned from the investment of funds in the Alabama Trust Fund shall continue to be paid to the Forever Wild Stewardship Account established in Section 9 of this Amendment until such time as the Legislature, by legislative act, determines that interest income earned from the investment of funds within the corpus of the Stewardship Account is sufficient for the proper administration and stewardship of properties acquired from the Forever Wild Land Trust. And provided further, that the Legislature, by legislative act, or by the enactment of a constitutional amendment may continue payment of the revenues provided in Section 7 hereof, or at any time provide for the payment of other revenues, into the Forever Wild Land Trust. At such time as the payment of trust income into the Forever Wild Land Trust shall cease, the percentage of trust income accruing to said trust fund shall be paid into the Alabama Trust Fund each year to become a part of the corpus of the Alabama Trust Fund.

Section 14. Amendment Self-Executing.

This Amendment shall be self-executing, but the Legislature shall have the right and power to enact laws supplemental hereto and in furtherance of the purposes and objectives hereof, provided that such laws are not inconsistent with the provisions of this Amendment.

Section 15. Severability.

If any provision of this Amendment, or the application of any provision to any entity, person, or circumstance is for any reason

adjudged by a court of competent jurisdiction to be invalid, the remainder of this Amendment and its application shall not be affected.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment is ordered to be held at the next general election or the first day appointed by the Legislature for a special election after three months from final adjournment of the current session of the Legislature, whichever election shall first occur. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this State.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The amendment proposed by this act shall be valid as part of the Constitution of Alabama immediately upon ratification by the people, and the Governor thereafter shall proclaim the adoption of this amendment as required by law.

CONSTITUTIONAL AMENDMENT

Passed the House June 20, 1991

Passed the Senate July 11, 1991

Act No. 91-220

S.J.R. 105 — Senator Little

SENATE JOINT RESOLUTION

COMMENDING NATHAN ANDREW BALLARD OF AUBURN ON HIS ELECTION AS ALABAMA YOUTH GOVERNOR, 1991-1992.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Nathan Andrew Ballard of Auburn upon his election as Alabama Youth Governor for 1991-1992, and as the first write-in candidate ever to be elected governor of the YMCA Youth Legislature; and

WHEREAS, for Nathan Ballard, however, this historic election is counted among numerous other accomplishments as an honor student at Auburn High School, and as a young man of outstanding leadership ability; and

WHEREAS, in Government Club participation since his freshman year, Nathan Ballard served in numerous capacities including Speaker Pro-Tem and Vice President, and will serve as Government Club President as a senior; and

WHEREAS, he also has been involved in Student Council activities at the school, state and national levels for the past three years; is president of the National French Honor Society, vice president of the Foreign Language Club and photography editor for the Annual Staff; and is a member of the National Honor Society, Mu Alpha Theta, Key Club, Judicial Club and the Auburn High School tennis team; and

WHEREAS, in further achievement, Nathan Ballard was recognized as the Hugh O'Brien Outstanding Sophomore (1990), served as Century III Scholarship State Student Judge (1989-91), and was ranked 9th nationally as a freshman and 14th nationally as a sophomore in the Global Challenge Test; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as Alabama Youth Governor for 1991-1992, we hereby most highly commend Nathan Andrew Ballard of Auburn, Alabama, for whom a copy of this resolution of sincere praise and regard shall be provided.

Approved July 16, 1991

Time: 7:00 P.M.

Act No. 91-221

S.J.R. 106 — Senator Little

SENATE JOINT RESOLUTION

COMMENDING MEL ROSEN FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

WHEREAS, in noting with regret the retirement of Auburn University Track Coach Mel Rosen, we herein most highly commend his many personal accomplishments, and his numerous achievements on behalf of the track program at Auburn; and

WHEREAS, Mel Rosen, then a P. E. instructor at Auburn, began his coaching career in 1956 as an assistant under Coach

Wilbur Hutsell, the father of Auburn track, whom Mr. Rosen succeeded as head coach in 1964; and

WHEREAS, as only the second Auburn head coach in the 72 years since track became a varsity sport, Mel Rosen, as did Coach Hutsell, made an international name for himself and for the University as well; and

WHEREAS, under Coach Rosen's leadership, the Auburn Tigers won four consecutive SEC Indoor Titles (1977-1980); Harvey Glance, Willie Smith, James Walker and Tony Easley, known as "The Fabulous Four," and later, along with John Lewter, as "The Auburn Five," were recognized by "Track and Field News" as the most dominant group in American track between 1970 and 1979; and

WHEREAS, Mel Rosen has coached 11 Olympians, 148 All-Americans, 128 SEC champions while at Auburn, and has been named National Coach of the Year three times; and

WHEREAS, although retiring as head coach, effective with the end of the current season, Mel Rosen will continue to teach in Auburn's P.E. Department on a part-time basis; will continue coaching in Auburn at the club level; and, in addition to serving as head coach of the 1992 U. S. Olympic team, will stay involved with track on the national level, and with the Track Athletic Congress which he serves as current chairman of the TAC's Men's Track and Field Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and service as head track coach at Auburn University for the past 27 years, we hereby commend Mel Rosen, whom we hold in highest personal regard and to whom a copy of this resolution of sincere praise and esteem shall be presented.

Approved July 16, 1991

Time: 7:01 P.M.

Act No. 91-222

S.J.R. 107 — Senators deGraffenried,
Little, Amari, Bailey,
Barron, Bedsole,
Bennett, Bolling,
Campbell, Corbett,
Denton, Dial, Dixon,
Ellis, Figures, Floyd,

Foshee, Ghee, Hale,
 Hilliard, Horn, Langford,
 Lindsey, Lipscomb,
 Mitchell, Mitchem,
 Owens, Parsons, Preuitt,
 Sanders, B. Smith, J.
 Smith, Waggoner,
 Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FRANK ANTHONY ROSE, FORMER PRESIDENT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, herein noted with regret is the death of former University of Alabama President Frank Anthony Rose on February 1, 1991, at the age of 70 years; and

WHEREAS, a native of Oxford, Mississippi, Dr. Rose was a graduate of Transylvania College in Lexington, Kentucky, where he earned bachelors degrees in philosophy and divinity and was elected to Phi Beta Kappa; and

WHEREAS, Dr. Rose, an ordained minister in the Disciples of Christ, taught at his alma mater while also serving as a minister; at the age of 30, he became president of Transylvania and, at that time, was the youngest college president in the nation; and

WHEREAS, seven years later, effective January 1, 1958, Dr. Rose was named president of the University of Alabama and his term of office (1958-1969) was a period of unprecedented growth for the University, both in Tuscaloosa and at its branches in Birmingham and Huntsville; and

WHEREAS, during his accomplished tenure, Dr. Rose increased the salaries and the size of the faculty, raised tens of millions of dollars in research funds, tightened academic standards, expanded the graduate departments, and helped build football teams that won three national championships; and

WHEREAS, in other areas, a ten-year building program funded by increased state appropriations and private donations was initiated; the University's assets nearly tripled; student enrollment increased on all campuses from 12,250 in 1958 to almost 20,000 in 1968; and the University's School of Medicine in Birmingham began to gain widespread recognition for its research and teaching programs; and

WHEREAS, Dr. Rose also presided in firm leadership during a period of great discord but subsequent peaceful integration of the

University, and having calmly and successfully defused a potentially volatile situation, continued his advocacy for excellence in education in the school systems and all colleges and universities in Alabama; and

WHEREAS, upon leaving the University of Alabama to become president of the General Computing Corporation in Washington, Dr. Frank Rose left a legacy that not only continues to benefit the university, but the State of Alabama and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Frank Anthony Rose, and do further extend sincere and deepest sympathy to his wife, Mrs. Tommye Rose; daughters, Susan Dabney and Elizabeth Rose; sons, Frank, Jr., and Julian Rose; and to other family members, whose loss we share and for whom a copy of this resolution shall be provided.

Approved July 16, 1991

Time: 7:02 P.M.

Act No. 91-223

H. 789 — Rep. Harper

AN ACT

To appropriate the sum of \$311,500 from the State General Fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1991.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Board of Pardons and Paroles from the State General Fund the amount of three hundred eleven thousand five hundred dollars (\$311,500) for the fiscal year ending September 30, 1991. Such appropriation shall be used exclusively for personnel costs. Any amounts not used for such purpose shall revert to the State General Fund. The Board of Pardons and Paroles is hereby prohibited from hiring any additional employees with the above appropriation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1991

Time: 7:05 P.M.

Act No. 91-224

H.J.R. 335 — Rep. McMillan

HOUSE JOINT RESOLUTION

COMMENDING CHRISTI ZARR PAGE OF BAY MINETTE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Christi Zarr Page of Bay Minette, Alabama, as the recipient of the Jeanne C. Morrow Outstanding Clubwoman Award, presented by the Alabama Federation of Women's Clubs; and

WHEREAS, Ms. Page, a member of the Heritage Junior Women's Club (HJWC), was selected by the Federation for its highest possible award to a junior club member in recognition of her many outstanding contributions to HJWC and to other community activities; and

WHEREAS, a member of HJWC for the past eight years, Ms. Page has served her club as president, vice president, corresponding secretary and as a member of the executive board; she also has chaired a number of HJWC project committees including the organization's Royale Trio Concert, Golf Tournament and Charity Ball, among others; and

WHEREAS, Ms. Page, who was elected to Outstanding Young Women of America in 1988, and is a former president of the Bay Minette Jaycees, is a member of the First United Methodist Church where she serves as a circle chairman, on the executive board, Council on Ministries, Acolyte Coordinator and as a God's Kids, Children's Church and UMYF teacher; and

WHEREAS, other of her leadership involvements include the Bay Minette City Recreation Board, Baldwin County United Leadership Class of 1990-91, Zachariah Goldbold DAR, North Baldwin Republican Women and Bay Minette Elementary School PTA; and

WHEREAS, Christi Zarr Page is indeed one of Bay Minette's most prominent civic leaders and her service to HJWC, church and community are exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Christi Zarr Page of Bay Minette, Alabama, for distinguished community service and leadership, and do further direct that she receive a copy of this resolution of sincere praise and highest personal regard.

Approved July 16, 1991

Time: 7:06 P.M.

Act No. 91-225

H.J.R. 337 — Reps. Parker (T), Melton,
Poole, Cagle

HOUSE JOINT RESOLUTION

COMMENDING JOAB LANGSTON THOMAS FOR HIS
CONTRIBUTIONS TO EXCELLENCE IN HIGHER EDUCA-
TION.

WHEREAS, Joab Langston Thomas, a native Alabamian, received his undergraduate and graduate training at Harvard University where he received a doctoral degree in biology, was a teaching fellow, and was admitted to the Phi Beta Kappa honorary fraternity; and

WHEREAS, Dr. Thomas has worked with the noted Arnold Arboretum of Harvard University, and published a number of scientific works in the area of botany, many relating to species native to Alabama and our region; and

WHEREAS, Dr. Thomas, for many years, has served the University of Alabama and its students with his intellect and integrity, teaching as Assistant Professor, Associate Professor and Professor of Biology, having been named Outstanding Professor during 1964-1965; and

WHEREAS, Dr. Thomas, during his years as President of the University, oversaw the largest building campaign in the University's history, a trebling in external support for faculty research, and the endowment of eleven chairs for the teaching of a broad and varied range of disciplines; and

WHEREAS, under Dr. Thomas' energetic direction, the University began a Presidential Scholars program helping to recruit outstanding students to attend the University, instituted an Honors Program to challenge exceptionally talented students, and established a core curriculum to assure all students exposure to a broad course of study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend and express this state's appreciation to Joab Langston Thomas for his dedication to the highest scholarship, his commitment to improving and reforming education, and for the challenge he has envisioned for our students and all citizens of Alabama.

Approved July 16, 1991

Time: 7:07 P.M.

Act No. 91-226

H.J.R. 339 — Reps. Melton, Poole,
Parker (T), Layson

HOUSE JOINT RESOLUTION

COMMENDING CORDELL WYNN OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, noted with highest commendation is the most recent professional distinction accorded Dr. Cordell Wynn, president of Stillman College, who was selected as the recipient of the 1991 Distinguished Leadership Award for Four-Year Colleges and Universities; and

WHEREAS, this prestigious honor of the Alabama Association of College Administrators and the Alabama Association of Women Deans, Administrators and Counselors, was bestowed upon Dr. Wynn in recognition of his many achievements and for outstanding service to Stillman College and to higher education in Alabama during the past year; and

WHEREAS, we also note that Dr. Wynn holds further distinction as the only college president to be named Administrator of the Year and to receive the leadership award from these associations; and

WHEREAS, Dr. Wynn, who chaired the 1990 National Conference on Blacks in Higher Education and was vice chairman for the conference in 1989, is president of the Association of Presbyterian Colleges and Universities and vice chairman of the Council for Advancement of Private Colleges in Alabama; and

WHEREAS, other of his affiliations and leadership positions include member and immediate past chairman of the Alabama Ethics Commission; membership on the Board of Trustees for the University of Alabama system, Columbia Theological Seminary, Barber-Scotia College and the Commission on Colleges for the Southern Association of Colleges and Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby commend Dr. Cordell Wynn, president of Stillman College, and do further direct that he receive a copy of this resolution of highest praise and esteem.

Approved July 16, 1991

Time: 7:08 P.M.

Act No. 91-227

H.J.R. 340 — Rep. Rogers (J)

HOUSE JOINT RESOLUTION

RECOGNIZING WITH COMMENDATION THE FIFTH GRAND REUNION OF WESTERN-OLIN HIGH SCHOOL, JULY 25-28, 1991.

WHEREAS, the Legislature of Alabama recognizes with highest commendation the Fifth Grand Reunion of Western-Olin High School, Classes of 1955-1973, inclusively, Alabama Chapter; and

WHEREAS, for the anticipated attendants, some 350 in number, a variety of events have been scheduled over the four-day reunion, including an executive breakfast, picnic, worship service, dinner dance and program, as well as informal hospitalities; and

WHEREAS, the Western-Olin High School alumni, Alabama Chapter, are indeed to be praised for the establishment and continuation of their Grand Reunion tradition with on-going opportunities to re-establish old friendships and school ties of years gone by; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby join in welcoming the Western-Olin High School classes of 1955-1973, Alabama Chapter, on the occasion of their Fifth Grand Reunion, July 25-28, 1991, in Birmingham, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation during program ceremonies of said reunion, and that such presentation be made to the committee chairperson for this commendable and historic event.

Approved July 16, 1991

Time: 7:09 P.M.

Act No. 91-228

H.J.R. 363 — Rep. Hamilton, Starkey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF J. C. CAMPBELL OF CENTER STAR, LAUDERDALE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the lamentable death of J. C. Campbell of Center Star, Lauderdale County, Alabama, on June 18, 1991, at the age of just 61 years; and

WHEREAS, the son of the late James Cleveland and Emma Pettus Campbell, and a native and lifelong resident of Lauderdale County, Mr. J. C. Campbell was a United States Marine Corps veteran of the Korean War and was a member of American Legion Post II of Florence; and

WHEREAS, Mr. Campbell, a steamfitter/welder with TVA, was a member of Plumbers and Steamfitters Local 760, and was an active member and worker in the Democratic Party; and

WHEREAS, a very prominent member of his community, J. C. Campbell was a devoted family man, a man whose circle of friendship was widespread, and one who served in total commitment to the many tasks he undertook on behalf of others; and

WHEREAS, over the years, he presided over many fund-raising cookouts held in Lauderdale County for political candidates, benefits, civic projects and other endeavors, donating his time and efforts both cheerfully and willingly to church, community and neighbors; and

WHEREAS, J. C. Campbell, a truly beloved citizen of Center Star and Lauderdale County, was a kind, caring and gentle man whose thoughts and deeds were for those in need of a helpful hand, a word of cheer and the support and encouragement of a faithful friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and Christian service of J. C. Campbell of Center Star, Lauderdale County, Alabama, and extend heartfelt sympathy to his wife, Mrs. Corrine Steen Campbell; daughters, Christi and Cindy; to his son, Craig; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved July 16, 1991

Time: 7:10 P.M.

Act No. 91-229

H.J.R. 364 — Reps. Buskey (JL),
Holmes, Kennedy

HOUSE JOINT RESOLUTION

COMMENDING ERSKINE HAWKINS, A DISTINGUISHED
ALABAMIAN OF INTERNATIONAL RENOWN.

WHEREAS, by mayoral proclamation, July 26, 1991, is "Erskine Hawkins Day" in Montgomery, Alabama, in celebration of the 77th birthday, July 25, of a native Alabamian of extraordinary talent and achievement; and

WHEREAS, a Birmingham native and an alumnus of Alabama State University (ASU), band leader and trumpeter Erskine Hawkins attended ASU from 1930-1934 where he became a member and leader of the "Bama State Collegians" which, in 1934, toured New York where the band, under Erskine Hawkins' leadership was enthusiastically received; and

WHEREAS, after leaving Alabama State, Mr. Hawkins' band retained the name "Bama State Collegians" on records made for the U. S. Columbia's Vocation label (1936-38) but was changed to "Erskine Hawkins (the 20th Century Gabriel and his orchestra)" for recordings under the RCA Victor Bluebird label (1938-1950); and

WHEREAS, in the early fifties, the band recorded for the Coral and King labels, and it was during this time that elements of rhythm and blues were introduced, and the time honored classic, "Tuxedo Junction," was composed by Alabama's own Erskine Hawkins and band members Julian Dash and William Johnson; and

WHEREAS, although Erskine Hawkins now makes few public appearances, he is returning to Montgomery and his alma mater, Bama State, on July 26 and, among other birthday celebration events, will be appearing on that date at the Montgomery Mall; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that we extend a warm "welcome home" and best birthday wishes to Mr. Erskine Hawkins, a beloved native son, in whom we are justly proud and, to whom, a copy of this resolution of highest commendation and esteem shall be presented.

Approved July 16, 1991

Time: 7:11 P.M.

Act No. 91-230

H.J.R. 371 — Rep. Johnson

HOUSE JOINT RESOLUTION

COMMENDING PENNY MOORE OF SYLACAUGA, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, herein noted by the Alabama House of Representatives are the numerous and notable accomplishments of Penny Moore, librarian and advanced English teacher at Mountainview Elementary School, Sylacauga, Alabama; and

WHEREAS, Miss Moore, in distinguished professional achievement, has been named Sylacauga Teacher of the Year for 1990-91; 3rd Congressional District Teacher of the Year, 1990-91; Alabama's Elementary Teacher of the Year, 1990-91; and Alabama's Teacher of the Year, 1990-91; and

WHEREAS, further noted with highest commendation are the many past honors bestowed in recognition of Miss Moore's contributions to education and community, including the first Mountainview Student Council Special Recognition Award, 1982 Sylacauga Woman of the Year, 1986 United Way Outstanding Volunteer, and the 1989 Most Active Member Award of the Sylacauga Area Council in Arts and Humanities; and

WHEREAS, Miss Moore, who is a member of Alpha Delta Kappa education honorary, is a graduate and valedictorian of her senior class at Sylacauga High School; she also is a graduate, magna cum laude, of Birmingham Southern College where she received the A. B. degree, and holds a Master's degree from the University of Mississippi and her M.L.S. degree from the University of Alabama; and

WHEREAS, Penny Moore is indeed one of Alabama's most outstanding educators, and it is with pleasure that we recognize her many accomplishments, distinguished professional achievement and service to her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Penny Moore of Sylacauga, Alabama, whom we hold in highest personal regard and, to whom, a copy of this resolution shall be presented.

Approved July 16, 1991

Time: 7:12 P.M.

Act No. 91-231

H.J.R. 373 — Reps. Carothers, Johnson

HOUSE JOINT RESOLUTION

HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM,
ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC

HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.

WHEREAS, the Alabama Legislature notes with highest commendation and esteem the numerous and notable accomplishments of W. Earle Riley, M.D. of Birmingham, Alabama in service to his profession, to his community, and to all citizens of the State of Alabama; and

WHEREAS, Dr. Riley received his medical education and training in Alabama and, after distinguished service with the United States Air Force, returned to the active practice of medicine and surgery at Lloyd Noland Hospital, Fairfield, Alabama; and

WHEREAS, Dr. Riley has served the state and his profession with distinction at the county, state, and national level in numerous and varied positions of great responsibility including membership on the Board of Censors of the Medical Association of the State of Alabama, the State Board of Medical Examiners, the State Committee of Public Health, and service as a Delegate from the State of Alabama to the American Medical Association, most recently completing six (6) years of distinguished service as Chairman of the Board of Censors, the State Committee of Public Health, and the State Board of Medical Examiners; and

WHEREAS, medical education in the State of Alabama has benefited immeasurably from the dedicated service of Dr. Riley on the Admissions Committee of the Medical School of the University of Alabama and as Chairman of the Alabama Board of Medical Scholarships Awards; and

WHEREAS, Dr. Riley's splendid record of accomplishment and dedicated service to his state and to his community reflects the highest credit upon him and upon the medical profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding record of accomplishment and contribution to the medical profession and to the public health and welfare of citizens of the State of Alabama, we hereby most highly commend W. Earle Riley, M.D., to whom a copy of this Resolution of sincere praise and esteem, shall be presented.

Approved July 16, 1991

Time: 7:13 P.M.

Act No. 91-232

H.J.R. 374 — Reps. Penry, Harper,
Williams, Thomas,
Box

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FURTHER U.S. ENERGY NEEDS.

WHEREAS, the recent decline in domestic oil and gas exploration and production along with a great increase in the importation of foreign crude oil has increased U.S. dependence on foreign sources of supply; and

WHEREAS, oil from Prudhoe Bay on Alaska's North Slope currently accounts for over 20 percent of total U.S. production, but the near future will see a rapid decline in this production; and

WHEREAS, major new discoveries of oil and gas are urgently needed, and the addition of a major new North Slope oil field would significantly reduce our nation's dependence on foreign sources of supply and, thereby, enhance our economic and military security; and

WHEREAS, geologic and geophysical studies indicate that the coastal plain of the Arctic National Wildlife Refuge may hold deposits of oil and gas exceeding those of Prudhoe Bay; and

WHEREAS, in addition to increasing U.S. energy self-sufficiency, exploration and development in the Arctic National Wildlife Refuge would provide economic benefits to the lower 48 states, since studies by the Alaska Oil and Gas Association indicate that over \$9 billion was spent since 1980 to provide parts, equipment, other supplies, and labor in support of the oil industry in Alaska; and

WHEREAS, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

WHEREAS, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for development of the resources of the Arctic

National Wildlife Refuge coastal plain to provide for future U.S. energy needs and to reduce the dangerous overdependence on oil imports.

BE IT FURTHER RESOLVED, That we urge the Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

RESOLVED FURTHER, That copies of this resolution be forwarded to each member of the Alabama Congressional Delegation.

Approved July 16, 1991

Time: 7:15 P.M.

Act No. 91-233

H.J.R. 331 — Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird,

Layson, Letson,
 Lindsey, Mathis,
 McClain, McDaniel,
 McDowell, McKee,
 McMillan, Melton,
 Mikell, Millican,
 Morrow, Morton,
 Newman, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne,
 Penry, Perdue, Petelos,
 Poole, Powell, Rich,
 Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey,
 Thomas, Turner,
 Turnham, Venable,
 Walker, Warren,
 White, Williams,
 Willis, Zoghby

HOUSE JOINT RESOLUTION

NOTING WITH COMMENDATION THE "WELCOME HOME CELEBRATION," JULY 4, 1991, IN SELMA, ALABAMA.

WHEREAS, the Legislature of Alabama notes with highest commendation the "Welcome Home Celebration" for the troops of Desert Shield/Desert Storm, July 4, 1991, in Selma, Alabama; and

WHEREAS, sponsored by American Legion Post #20, this special celebration also is being cosponsored by Disabled American Veterans, Veterans of Foreign Wars Post #3016, Veterans of Foreign Wars Post #10880, the Dallas County Commission, the City of Selma, the Chamber of Commerce and American Legion Post #324; and

WHEREAS, we further note that Mayor Joe T. Smitherman and County Commission Chairman Erskin Minor have set aside July 4, 1991, as a special day of tribute throughout Selma and all of Dallas County, and as a special occasion of honor for the many brave men and women who served their country and represented their community with great courage and distinction; and

WHEREAS, the entire community, its clubs, organizations and businesses are participating in the many festivities and events scheduled for this great celebration, being held in honor and gratitude to all

those who served tirelessly and with great sacrifice during this perilous time in history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Selma and Dallas County, Alabama, in honoring their veterans of Desert Shield/Desert Storm, and in acknowledging our debt of gratitude for their defense of our freedom and their willing sacrifices on behalf of us all.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Julia R. Gibson, chairman of the "Welcome Home Celebration."

Approved July 16, 1991

Time: 7:16 P.M.

Act No. 91-234

H.J.R. 332 — Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson,

Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

HONORING MEMBERS OF THE SELMA NATIONAL GUARD 1135TH SUPPLY AND SERVICE COMPANY (DIRECT SUPPORT).

WHEREAS, among the many thousands of Alabama National Guard personnel deployed to the Persian Gulf during Operation Desert Shield/Desert Storm, were 141 members of the 1135th Supply and Service Company (Direct Support); and

WHEREAS, these many courageous sons and daughters of Alabama who served their country with honor and distinction, are a source of great pride to the state and all citizens thereof; and

WHEREAS, members of the 1135th Supply and Service Company (Direct Support), who served so willingly when called and whose presence in the Gulf contributed greatly to the rapid and successful Allied victory, were: Corporal Hakim A. Abdul, Corporal Cynthia D. Aldridge, Sergeant Eddie Allen, Jr., Corporal Dorvon J. Baldwin, Corporal Sherry G. Barnes, Private First Class Tonya L. Barney, Sergeant Allen E. Barrett, Sergeant Arthur J. Bennett, Sergeant Charles E. Bennett, Sergeant L. Bennett, Corporal Willie J. Bennett, Second Lieutenant Michael S. Bircheat, Sergeant Sammie L. Blevins, Private First Class Stacy A. Blount, Corporal Frank J. Boggan, Staff Sergeant Joseph J. Braxton, Private First Class John W. Brewer, Sergeant John E. Brown, Sergeant Johnny M. Brown, Corporal Ray C. Brown, Corporal Linda D. Calhoun, Sergeant First Class Danny R. Campbell, First Sergeant Jackie S. Campbell, Staff Sergeant Robert L. Chase, Corporal Lavon F. Childress, Corporal Aaron Clay, Staff Sergeant Mary J. Cofield, Staff Sergeant Jimmie Coleman, Jr., Corporal Willie L. Coleman, Private Gregory L. Cook, Staff Sergeant Lee A. Cook, Jr., First Lieutenant Willie L. Cook, II, Corporal Brenda J. Cooke, Sergeant William H. Cosby, Staff Sergeant Stephen F. Crawford, First Lieutenant Adam J. Creel, Private First Class Vollie G. Cullen, Corporal Chadwick Cunningham, Corporal Alfreda D. Draine, Corporal Roderick C. Dubose, Staff Sergeant Gardner Edwards, Jr., Private First Class Tommy L. Edwards, Sergeant Nathan L. Ellis, Jr., Corporal Pamela Evans, Corporal Alphonso Fails, Corporal

Johnny L. Fails, Corporal Robert L. Ford, Sergeant Roosevelt Ford, Corporal Janet D. Foster, Sergeant Mary L. Frederick, Sergeant Charles E. Fulford, Sergeant Nathaniel Garner, Corporal Gordon J. Gipner, Corporal Aundria K. Green, Sergeant Gregory G. Griffin, Private First Class Shanda L. Griffin, Sergeant First Class Ruedell Gulley, Private First Class Lola D. Hale, Corporal Alberta R. Hall, Corporal David A. Hamm, Sergeant Ira J. Haralson, Corporal Tarnetta C. Harmon, Sergeant William B. Harrell, Sergeant Pearl M. Harris, Staff Sergeant Ahmad A. Hasan, Sergeant William E. Hasberry, Chief Warrant Officer Three Herbert H. Hassey, Sr., Private Danny L. Hatcher, Chief Warrant Officer Two Donald R. Hills, Sergeant Marvin E. Hollman, Corporal Michael R. Hubbard, Sergeant James K. Huff, Corporal Lorenzo Hunter, Corporal Timothy A. Irby, Sergeant First Class Sandra K. Jackson, Corporal Sidney J. Jackson, Corporal Anthony L. Jones, Sergeant Gregory B. Jones, Sergeant Nathaniel M. Jones, Private First Class Wanda T. Jones, Corporal Aurelia E. King, Staff Sergeant Marshall A. King, Sergeant First Class Tommy R. King, Corporal Erica L. Lamar, Corporal Robert E. Leggett, Private First Class Evelyn M. Love, Sergeant First Class George Love, Corporal Terrence N. Marshall, Staff Sergeant Thomas Marshall, Jr., Corporal Daniel E. McCants, Sergeant Dennis McGee, Corporal John L. McGee, Private First Class Christopher O. McNeil, Corporal Henry U. McNeil, Corporal Hillary C. McNeil, Sergeant Daniel E. Miles, Private James M. Miller, Corporal Reginald E. Minor, Corporal Michael A. Mitchell, Corporal Tony D. Mobley, Sergeant David M. Molina, Private Lula V. Motley, Corporal Loretha A. Nelson, Sergeant First Class William D. Nichols, Corporal Warren Oliver, Sergeant Gregory L. Page, Corporal Larry D. Parker, Corporal Tony R. Patterson, Sergeant Larry D. Phillips, Corporal Eleanor A. Price, Corporal Ora L. Pullom, Corporal Smaldonado O. Quinone, Sergeant John H. Ratcliffe, Sergeant Arthur L. Reese, Jr., Staff Sergeant William H. Rhodes, Staff Sergeant David A. Richardson, Corporal Donald W. Richardson, Corporal James A. Robbins, Staff Sergeant Ralph R. Roberts, Corporal Nichelle A. Ruffin, Private First Class Glenda F. Russell, Private First Class Lashelle L. Sanders, Private First Class Teresa A. Shaw, Corporal Aretha Simpson, Warrant Officer One Amos R. Smith, Corporal Kenneth L. Smith, Private First Class Frederick J. Stewart, Corporal Delores A. Taylor, Sergeant David Thomas, Corporal Diane L. Thomas, Corporal Irene D. Thomas, Corporal John Tucker, Jr., Sergeant Travis R. Turnipseed, Private First Class Dennis R. Tutt, Corporal Carroll A. Walton, Second Lieutenant John M. Warren, Captain Ronald V. Welch, Staff Sergeant Joe C. Wesley, Corporal Telisha T. Wheeler, Private Katie M. Wolff and Sergeant Victor A. Worrel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deepest gratitude to the Alabama National Guard personnel of the 1135th Supply and Service Company (Direct Support), we hereby most highly commend their honorable and courageous service during Operation Desert Shield/Desert Storm, and do further direct that copies of this resolution be prepared for presentation to those loyal American Patriots hereinabove recognized.

Approved July 16, 1991

Time: 7:17 P.M.

Act No. 91-235

H.J.R. 334 — Reps. McMillan, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F),

Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner,
 Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING TOM DOLAN OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND CITIZENS THEREOF.

WHEREAS, it is with highest commendation that the Legislature of Alabama expresses its appreciation to Tom Dolan of Montgomery, Alabama, who retired in December 1990 from the Alabama Historical Commission, and who served for the past seven years as coordinator of the restoration of the Alabama State Capitol; and

WHEREAS, Mr. Dolan, who changed careers after fifteen years as a classroom teacher in Virginia, returned to school to pursue and receive a Master's degree in architectural history from the University of Virginia; and

WHEREAS, following a summer internship in 1983 with the Alabama Historical Commission, Mr. Dolan was permanently employed and assigned the formidable task of researching the past periods of construction and change of the State Capitol and coordinating the restoration of one of the most historic buildings in the nation; and

WHEREAS, as a result of Mr. Dolan's diligent research, involving countless hours spent in scrutinizing every nook, corner and recess of the original center of the Capitol, as well as the additions and changes of past eras, a restoration plan was developed; and

WHEREAS, once underway, the painstaking restoration work, though incomplete, has progressed to a point that even now preindicates the architectural magnificence of Alabama's State Capitol in its original grandeur and through the important periods of its past 140 years; and

WHEREAS, Tom Dolan has indeed well served the State of Alabama and it will be to his great credit that our Capitol, once restored in detailed correctness and with all possible accuracy to its original grace and beauty, stands as a monument to the rich history of the great State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge with gratitude the extraordinary contributions of Tom Dolan of Montgomery to the history and future of the State of Alabama, and commend him most highly on the professional accuracy of his research and work as coordinator for the restoration of the State Capitol.

BE IT FURTHER RESOLVED, That Mr. Dolan be presented with a copy of this resolution, which has been executed in appreciation of his efforts and with sincere admiration and regard.

Approved July 16, 1991

Time: 7:20 P.M.

Act No. 91-236

H.J.R. 338 — Reps. Sanderford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P),

Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey, Thomas,
 Turner, Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING LIEUTENANT GENERAL CARL E. MUNDY, JR., USMC, MONTGOMERY, ALABAMA.

WHEREAS, a graduate of Sidney Lanier High School of Montgomery, Alabama, Lieutenant General Carl Mundy, Jr., United States Marine Corps, was graduated from Auburn University in 1957, where he was commissioned Second Lieutenant in the Corps; and

WHEREAS, from 1957 to 1967, his early assignments included duty aboard the "Tarawa" aircraft carrier and the "Little Rock" cruiser; Marine Corps Basic School and officer training instructor in Raleigh, North Carolina; and operations and executive officer of the Third Battalion, Twenty-Sixth Marines, Third Marine Division, and as an Intelligence Officer in the Third Marine Amphibious Force in Vietnam; and

WHEREAS, General Mundy's leadership and vast responsibilities earned for him commanding positions which included: Aide de Camp to the Assistant Commandant of the Marine Corps; Commanding Officer, Second Battalion, Fourth Marines, Third Marine Division; Plans Officer; Assistant Chief of Staff for Intelligence, Second Marine Division; Chief of Staff, Sixth Marine Amphibious Brigade; Commanding Officer, Second Marines, Second Marine Division, 36th and 38th Amphibious Units; and in April 1982, Brigadier General; and

WHEREAS, his military acumen from 1982 to 1986 caused him to be awarded the grade of Major General and he was Director of Operations, Headquarters Marine Corps; and finally, in 1988, Carl E. Mundy, Sidney Lanier High School graduate, was given the prestigious assignment as Deputy Chief of Staff to the Joint Chiefs of Staff where he became Lieutenant General, the highest rank as a Marine officer; since 1990, General Mundy has continued to serve as Commanding General of the United States Atlantic Fleet Marine Force, the Second Marine Expeditionary Force, the Allied

Command Atlantic Marine Striking Force and has been designated to command the Fleet Marine Forces abroad; and

WHEREAS, in addition to the high demands of command, General Mundy is a graduate of the Marine Corps Command and Staff College and the Naval War College; his leadership and bravery have brought him recognition and he has been decorated with the Legion of Merit, the Bronze Star Medal, the Purple Heart, two Navy Commendations and the Vietnam Cross of Gallantry; and

WHEREAS, Lieutenant General Carl E. Mundy, Jr., is an inspiration for other Alabamians which include a number of friends from the years of his attendance at Sidney Lanier High School of Montgomery, Alabama, and at Auburn University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Lieutenant General Carl E. Mundy, Jr., USMC, on his eminent achievements and distinguished military career.

BE IT FURTHER RESOLVED, that General Mundy receive a copy of this resolution executed in sincere praise and with warmest personal regard.

Approved July 16, 1991

Time: 7:21 P.M.

Act No. 91-237

H.J.R. 169 — Rep. Hamilton

HOUSE JOINT RESOLUTION

COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 1991 STATE 3A GIRLS CHAMPIONS.

WHEREAS, it is in the highest commendation that the Legislature of Alabama congratulates the Lauderdale County Lady Tigers as tops in the state in Class 3A Girls' competition; and

WHEREAS, under the talented leadership and direction of Head Coach Larry Sinyard, who was competently supported by team manager David Kelley and team statistician Larry Turpen, the Lady Tigers finished the season with a remarkable 30-2 record en route to the state championship; and

WHEREAS, the members of the team, each of whom greatly contributed to the outstanding 1991 season are Karen Ridgeway,

Shawntell Watkins, Lisa Ghrigsby, Kelley Ridgeway, Staci Hogue, Kristal Turpen, Brandi White, Christa Ball, Marla Blackburn, Shannon Hudson, Mandy Slaton and Michelle Appleton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Larry Sinyard and the Lauderdale County High School Girls Basketball Team as the 1991 State 3A Champions and do further direct that copies of this resolution be provided for appropriate presentation and display at Lauderdale County High School.

Approved July 16, 1991

Time: 7:22 P.M.

Act No. 91-238

H.J.R. 313 — Rep. Harper

HOUSE JOINT RESOLUTION

DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1992.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1991, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1992.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

Approved July 16, 1991

Time: 7:23 P.M.

Act No. 91-239

H.J.R. 327 — Rep. Gullatt

HOUSE JOINT RESOLUTION

DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 165 IN RUSSELL COUNTY, ALABAMA, AS "LANDMARK HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in response to the request of the Russell County Commission, Fort Mitchell Historical Society and the Russell County Historical Commission, we hereby name and designate that portion of Alabama Highway 165 in Russell County, Alabama, from Phenix City to the county line, as the "Landmark Highway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers, so designating said highway portion as "Landmark Highway."

RESOLVED FURTHER, That copies of this resolution be forwarded to the Russell County Commission, Fort Mitchell Historical Society and the Russell County Historical Commission.

Approved July 16, 1991

Time: 7:24 P.M.

Act No. 91-240

H.J.R. 328 — Reps. Lindsey, Butler, Burke

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. ROBERT DALE BRASFIELD OF MONTGOMERY ON THE BIRTH OF A SON, PERRY ROBERT BRASFIELD.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Mr. and Mrs. Robert Dale (Sonny) Brasfield of Montgomery, Alabama, on the birth of a son, Perry Robert Brasfield, on June 2, 1991; and

WHEREAS, little Perry Robert, his parents' first child, was born at Montgomery's Baptist Medical Center at 1:57 p.m., weighing an even eight pounds and measuring 19 3/4 inches in length; and

WHEREAS, the birth of Perry Robert Brasfield has indeed brought untold happiness to his proud parents, Sonny and Kathy

Brasfield, and it is with great pleasure that we note this momentous event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we again most heartily congratulate Mr. and Mrs. Sonny Brasfield on the birth of their son, June 2, 1991; we further direct that a copy of this resolution be provided for Mr. and Mrs. Brasfield, and also for their son, Perry Robert, that he may later know of the joy we shared with his parents on the occasion of his birth.

Approved July 16, 1991

Time: 7:25 P.M.

Act No. 91-241

H.J.R. 330 — Rep. Williams

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF THOMAS COLVIN OF OZARK, ALABAMA.

WHEREAS, in deep and abiding sorrow, the Legislature of Alabama records the death of Thomas Colvin of Ozark, Alabama, on March 10, 1990, at the venerable age of 84 years; and

WHEREAS, Mr. Colvin, who was born March 15, 1905, lived humbly and in tune with God throughout his earthly life; he was a tireless worker who toiled not in vain, but to the good and well-being of his fellowman; and

WHEREAS, Mr. Colvin served as a masonry instructor at George C. Wallace Junior College and, through close association with his students as counselor, mentor and friend, contributed greatly to the good of countless young men and women, and to their achievement in later life; and

WHEREAS, the lamentable death of Mr. Thomas Colvin — husband, father, grandfather, great grandfather and a friend to all mankind — has left a deep void in the life of the community, and in the hearts of his loving family, all of whom are yet sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Thomas Colvin of Ozark, Alabama, and extend our most heartfelt sympathy to his beloved wife, Mrs. Flora Waters Colvin; to his sons, Thomas Colvin, Jr., and Lewis

Evans; daughters, Mrs. Jean Colvin Loman and Ms. Florine Colvin; and to other family members whose grief we share and for whom a copy of this resolution of condolence shall be provided.

Approved July 16, 1991

Time: 7:26 P.M.

Act No. 91-242

H.J.R. 333 — Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

HONORING MEMBERS OF THE SELMA NATIONAL
GUARD 638TH ORDNANCE COMPANY (AMMUNITION).

WHEREAS, among the many thousands of Alabama National Guard personnel deployed to the Persian Gulf during Operation Desert Shield/Desert Storm, were 52 members of the 638th Ordnance Company (Ammunition); and

WHEREAS, these many courageous sons and daughters of Alabama who served their country with honor and distinction are a source of great pride to the state and all citizens thereof; and

WHEREAS, members of the 638th Ordnance Company (Ammunition), who served so willingly when called, and whose presence in the Gulf contributed greatly to the rapid and successful Allied victory were: Sergeant Johnny Acoff, Corporal Eric S. Anderson, Sergeant Earnest L. Beaton, Corporal George R. Beers, Staff Sergeant Earnest Bennett, Sergeant Gregory L. Blocton, Corporal Byron Bradley, Sergeant Charles R. Codey, Sergeant Clinton D. Coleman, Sergeant Nathaniel Courtland, Corporal Michael J. Dates, Corporal Albert C. Dixon, Corporal Fredrick L. Dixon, Private First Class Sabrina A. Dozier, Corporal Derrick D. Dudley, Sergeant Chris E. Ellis, Staff Sergeant Lee A. Green, Jr., Private First Class Walter G. Hare, Sergeant First Class Frank Harrison, Corporal Sandra R. Johnson, Sergeant Leamon L. Jones, Jr., Corporal Jonathan I. Keef, Corporal Jerry L. Keller, Sergeant Embred W. Lawery, Private First Class Terry M. Lett, Sergeant Michael Lindsey, Sergeant Don C. Lundy, Sergeant James H. McElwee, Corporal Ricky L. Martin, Corporal Collins L. Moore, Corporal Sandra D. Munford, Sergeant Medrick R. Northrop, Second Lieutenant John D. Osborne, Sergeant William D. Patrick, Corporal Dexter W. Patterson, Corporal James C. Perryman, Corporal Valerie D. Reese, Sergeant Janice O. Robbins, Sergeant Bobby R. Roberts, Jr., Corporal Clinton O. Rose, Sergeant Arthur J. Simon, Sergeant Janet R. Smith, Corporal Robert P. Smith, I, Sergeant Jackie A. Struggs, Corporal Charles D. Terry, Corporal Gilbert G. Thistrup, Sergeant Sylvester Thrash, Corporal Cassandra A. Tolbert, Corporal Kathryn M. Tolbert, Sergeant Robert J. Underwood, Corporal Eric J. Vincent and Sergeant Cedric A. Walton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deepest gratitude to the Alabama National Guard personnel of the 638th Ordnance Company (Ammunition), we hereby most highly commend their honorable and courageous service during Operation

Desert Shield/Desert Storm, and do further direct that copies of this resolution be prepared for presentation to those loyal American patriots hereinabove recognized.

Approved July 16, 1991

Time: 7:28 P.M.

Act No. 91-243

H.J.R. 341 — Reps. Bugg, Smith (R), Ford

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF BOBBY LEE AUSTIN OF GADSDEN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Bobby Lee Austin of Gadsden, Alabama, on May 30, 1991, at the age of just 38 years; and

WHEREAS, a native of Calhoun County and a graduate of Oxford High School, Mr. Austin was a former member of the Oxford Police Department for five years before moving to Etowah County to join the family trucking business and was serving, at the time of his death, as vice president of Austin Transportation and as president of Gadsden Warehousing; and

WHEREAS, Mr. Austin, however, in addition to his many business interests and responsibilities, was a prominent civic leader who worked tirelessly to the good of the community and in dedicated support of the area's growth and economic development; and

WHEREAS, he was most particularly active in the Gadsden-Etowah Chamber of Commerce where he had served on the Committee for Riverfest; as a member of the board of directors for the past three years; and was in his second term as vice president of Governmental Affairs which includes chairmanship of the Airport Committee and, in which capacity, he aggressively lobbied for the selection of the Etowah-St. Clair Airport site as the location for the proposed international airport; and

WHEREAS, in recognition of his many outstanding accomplishments and community contributions, Mr. Austin was the recipient of many honors and accolades, including the Outstanding Police Officer Award, Marcus Whitman Award for Alabama's Outstanding Person in Transportation, Small Business Award and the 1990 President's Award of the Gadsden-Etowah Chamber of Commerce; and

WHEREAS, Bobby Austin was indeed one of Gadsden's most enthusiastic boosters, who in optimism, dedication and love of community, sought always to serve to the good and well-being of the Gadsden and Etowah County areas of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the lamentable and untimely death of Bobby Lee Austin of Gadsden, Alabama, and extend our deepest and most heartfelt sympathy to his wife, Vickey Austin; daughter, Christine Evan Austin; to his mother, Mrs. Jackie Austin; and to other family members, whose sorrow we sincerely share, and for whom, a copy of this resolution shall be provided.

Approved July 16, 1991

Time: 7:30 P.M.

Act No. 91-244

H.J.R. 342 — Rep. Hamilton

HOUSE JOINT RESOLUTION

COMMENDING ROGERS SCHOOL, LAUDERDALE COUNTY, ALABAMA, ON THE STATE CLASS 3A BOYS BASEBALL CHAMPIONSHIP FOR 1991.

WHEREAS, in consensus of commendation, the Alabama Legislature most heartily congratulates the Rogers School's Varsity Baseball Team on the State Class 3A Baseball Championship for 1991; and

WHEREAS, under the talented leadership and direction of Head Coach Ricky Putman, the Rogers School Pirates have compiled an impressive two-year 47-8 record and have thereby brought great honor to their school, to the entire Lauderdale County School System and to the community; and

WHEREAS, the Pirates, in 1990, posted a 24-4 record, won the Lauderdale County and Area 14 Championships and also captured the State 3A Title; and

WHEREAS, in 1991, the team's impressive performance continued with a 23-4 record, and following two big wins over Birmingham's Briarwood Christian Academy, 1-0 and 7-2, again won the 1991 State Championship, posting back-to-back 3A Titles for the Rogers Pirates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as State Class 3A Boys Baseball Champions for 1990 and 1991, we hereby most highly commend and congratulate Coach Ricky Putman and the Rogers School Pirates.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for appropriate presentation to Coach Putman on behalf of the Pirates, and that a copy also be presented to Principal Billy Valentine for appropriate display at Rogers School.

Approved July 16, 1991

Time: 7:31 P.M.

Act No. 91-245

H.J.R. 345 — Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, June 20, 1991, they adjourn to meet again on Tuesday, June 25, 1991.

Approved July 16, 1991

Time: 7:32 P.M.

Act No. 91-246

H.J.R. 347 — Rep. Escott-Russell

HOUSE JOINT RESOLUTION

RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991 .

WHEREAS, Delta Sigma Theta Sorority, a national organization comprised predominantly of Black, college educated women, is holding its 33rd Southern Regional Conference in Montgomery, Alabama, June 26-30, 1991, and among the many members-in-sisterhood are

National President, Dr. Yvonne Kennedy, a native Alabamian, member of the Alabama Legislature and President of Bishop State Community College in Mobile; Southern Regional Director, Dr. Louise Rice; and Southern Regional Representative, Miss Wendy Johnson; and

WHEREAS, the more than 1,200 sorority members assembled in Montgomery, along with family members and friends, are participating in a wide range of conference activities during this time of decentralization of the sorority that provides a valuable forum for the unveiling of new and expanded program initiatives of public service to be implemented during the remainder of the biennium, which has for its national theme, "Pass the Torch: Ignite A New Vision"; and

WHEREAS, among pre-conference activities is the innovative "Delta Youth Days" program at the State Capitol and Alabama State University which features a "Delta Youth Legislature" directed by Chairperson Tyna Davis, Co-Chairperson Mattie Langford, and State Coordinator Louise Mitchell, to introduce high school students to the legislative process; and

WHEREAS, the Montgomery Alumnae Chapter of Delta Sigma Theta Sorority, with 180 members, is the official host, along with other Alabama chapters, for the 33rd Southern Regional Conference, comprised of chapters in the five states of Alabama, Georgia, Tennessee, Florida and Mississippi; the Southern Regional Conference is one of seven and the largest conference of the national organization and, with a membership of over 40,000, represents more than one-fourth of Delta Sigma Theta's 175,000 national membership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure and in consensus of commendation that we hereby recognize the 33rd Southern Regional Conference of Delta Sigma Theta Sorority, Incorporated, June 26-30, 1991, in Montgomery, and do most warmly welcome the assemblage to Alabama's Capital City.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Southern Regional Director, Dr. Louise Rice, and that said presentation be made, on behalf of the Alabama Legislature, by the Honorable Yvonne Kennedy, National President of Delta Sigma Theta Sorority.

Approved July 16, 1991

Time: 7:33 P.M.

Act No. 91-247

H.J.R. 357 — Rep. Parker (T)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT C. MORROW OF
TUSCALOOSA, ALABAMA

WHEREAS, it is with deep and abiding sorrow that the Alabama House of Representatives records the untimely death of Robert C. "Bob" Morrow of Tuscaloosa, Alabama, on May 27, 1991, at the age of just 58 years; and

WHEREAS, a native of Greene County, Alabama, Mr. Morrow grew up in Jena, graduating from Greene County High School, and attended the University of Alabama, where he received a degree in business administration in 1956; and

WHEREAS, Mr. Morrow was a brilliant businessman, highly motivated, with one of those rare knacks for conceiving projects and then making them happen; and

WHEREAS, Mr. Morrow also was a man who cared about people, his concern showing through in developments that provided housing for elderly and low-income people; and

WHEREAS, in addition to his responsibilities in business, Mr. Morrow was a leader in the West Alabama community, serving as a member of the boards of directors of the West Alabama Chamber of Commerce, the Commerce Executive Society at the University of Alabama, and the DCH Regional Medical Center Foundation; and through membership and activities of the First United Methodist Church; and

WHEREAS, Mr. Morrow honored the memory of many community leaders, including the Partlow family, Joe Mallisham, and the late Aaron "Tennessee" Harris, through contributions to the University of Alabama and other educational institutions; and

WHEREAS, Mr. Morrow never forgot his roots and the people with whom he grew up, remembering his youth in a series of summer reunions near Jena; and

WHEREAS, Mr. Morrow was truly an exemplary citizen who shared generously his time, talent, and resources with his friends and community, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we grievously mourn the death of Robert C. "Bob" Morrow of Tuscaloosa,

Alabama, and extend our sincere and deepest sympathy to his wife, Rosa Partlow Morrow, to his sons, Robert and David Morrow; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved July 16, 1991

Time: 7:35 P.M.

Act No. 91-248

H.J.R. 359 — Reps. Burke, Lindsey, Ford

HOUSE JOINT RESOLUTION

COMMENDING L. D. DOBBINS OF COLLINSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, L. D. Dobbins of Collinsville is one of Alabama's most outstanding high school basketball coaches who has retired as head coach of the Collinsville High School Panthers, following a career of more than 31 years as a coach and classroom teacher; and

WHEREAS, a graduate of DeKalb County High School and Jacksonville State University, Coach Dobbins began his career at Southside High School, where he posted a two-year 23-27 record, and has been at Collinsville High since 1962 where his overall record is 487-286; and

WHEREAS, Coach Dobbins won his 500th career victory with the Panthers' 79-73 win against Coosa Christian in December 1990, and his 1990-91 team finished the season with a 15-10 record, grabbed the runner-up spot in the Area 14 tournament and made it to the sub-state playoffs; and

WHEREAS, ending his illustrious career with 510 victories and 313 losses, Coach Dobbins also retires with numerous county and area titles for his team as well as the 1975 State Class 1A Championship and 26-5 record; and

WHEREAS, Coach L. D. Dobbins has indeed enjoyed an exemplary career as both teacher and coach, thereby bringing credit upon himself, his profession and the community, and his loyalty and contributions to Collinsville High School have been recognized with the naming of the school's gymnasium in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby

commend Coach L. D. Dobbins of Collinsville, Alabama, for distinguished achievement and service and direct that he receive a copy of this resolution, executed in highest regard and with best wishes for every future success and happiness in retirement.

Approved July 16, 1991

Time: 7:36 P.M.

Act No. 91-249

H.J.R. 124 — Reps. Turnham, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING T. C. BRITTON, JR., FOR DISTINGUISHED SERVICE TO THE STUDENTS AND SCHOOLS OF LEE COUNTY, ALABAMA.

WHEREAS, T. C. Britton, Jr., a native of Millry, Alabama, and a graduate of Millry High School, also is a 1956 graduate of Livingston State College with a B.S. degree in Education and holds both a Master of Education degree in School Administration and AA certification in School Administration and Supervision from Auburn University; and

WHEREAS, Mr. Britton began his teaching career as a teacher, head coach, and athletic director at Smiths Station High School where he initiated the school's football program and accumulated a win-loss record of 99-23 over a 13-year period; also during his tenure at Smiths Station, he served as a counselor, assistant principal, and building principal; and

WHEREAS, during 1968, Mr. Britton campaigned for and was elected Superintendent of Education for the Lee County Board of Education, and is now completing his fifth term of office in said position; and

WHEREAS, under Mr. Britton's leadership for the past 22 years, enrollment in the Lee County schools has grown from 4,100 students to over 5,600, and the system has remained fully accredited; and

WHEREAS, in spite of a steady growth in school population, several periods of economic instability, and fiscal funding hardships, Mr. Britton, upon retirement at the close of the current school year, will leave a system that boasts fully modernized facilities with centrally heated and air conditioned buildings, and one which is financially stable and debt-free; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the students and schools of Lee County, Alabama, from 1956-1991, we hereby commend Superintendent of Education T. C. Britton, Jr., and do further direct that he receive a copy of this resolution, executed in highest personal regard and with sincere best wishes for every future success in continuing community service and involvement.

Approved July 16, 1991

Time: 7:37 P.M.

Act No. 91-250

H. 135 — Rep. Flowers

AN ACT

To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state: to provide that National Memorial Day shall be a legal holiday in this state; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for a personal leave day for state employees in lieu of certain holidays.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1-3-8 of the Code of Alabama 1975 is hereby amended to read as follows:

Section 1-3-8.

"(a) Sunday, Christmas day, New Year's day, Martin Luther King, Jr.'s birthday, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, Confederate Memorial day, National Memorial Day, Jefferson Davis' birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Veterans' day and the day designated by the governor for public thanksgiving shall be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. If any holiday falls on Saturday, the preceding day is the holiday. Veterans' day shall be observed by the closing of all state, county and municipal offices, all banks located within this state and the public schools on such day. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial day, the last Monday in May, and on such other days as may be declared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on Friday, the superintendent of banks may authorize

the Saturday following that Friday to be a holiday. The superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas day, and the day prior to New Year's day, if such days fall on business days.

“(b) Of the above enumerated legal public holidays, the following shall be observed on the dates herein prescribed:

- (1) Robert E. Lee's birthday - the third Monday in January.
- (2) George Washington's birthday - the third Monday in February.
- (3) Confederate Memorial day - the fourth Monday in April.
- (4) Jefferson Davis' birthday - the first Monday in June.
- (5) Columbus day and Fraternal day - the second Monday in October.
- (6) Veterans' day - the eleventh day of November.
- (7) Martin Luther King, Jr.'s birthday - the third Monday in January.
- (8) National Memorial Day - the last Monday in May.
- (9) Thomas Jefferson's birthday - the third Monday in February.

“(c) In addition to the legal holidays provided above, Mardi Gras shall be deemed a holiday in Mobile and Baldwin Counties and all state offices shall be closed in those counties on Mardi Gras.

“(d) In addition to the legal holidays provided above all state employees, except those employed in Baldwin and Mobile Counties, shall be granted one personal leave day per year. The personal leave day shall be granted on January 1 of each year. All state employees employed in Baldwin and Mobile Counties shall be granted no personal leave day. All such personal leave days granted in any year shall be used by the end of the calendar year. All such personal leave days shall be scheduled during the year with the approval of the supervisor. Supervisors failing to schedule personal leave days for employees must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any personal leave day not taken by December 31 of each year.

“(e) All state holidays shall be observed by the closing of all state offices. Any state office may remain open on a state holiday

upon written notice by the appointing authority to the state personnel board at least 60 days in advance of the holiday. Provided, that any state office may be opened in the event of an emergency and the state personnel board may grant a blanket approval for the openings of state offices needing to be open on holidays on a regular basis for essential services. Any state employee working on a state holiday shall receive a day of compensatory leave or paid compensation in lieu of the holiday as provided herein.

“(f) Each employee shall attempt to schedule any compensatory leave day provided in lieu of a regularly scheduled holiday, subject to the approval of the supervisor, during the quarter that the regularly scheduled holiday occurred. In the event that any compensatory leave day cannot be scheduled during the designated quarter, then the compensatory leave day may be accumulated at the request of the employee for up to one year. Supervisors failing to schedule compensatory leave days for employees within the quarter, unless the day is carried forward at the request of the employee, must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee’s usual and customary rate of pay for any compensatory leave day to which he may be entitled and which has not been taken.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1991

Time: 7:40 P.M.

Act No. 91-251

H. 555 — Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Knight, Dolbare, Powell, Newman, Gullatt, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner,

Cullins, Goodwin,
 Blakeney, Rogers (F),
 McClain, Hill, Hammett,
 Black (M), Turnham,
 Bowling, Bugg, Burke,
 Ford, Smith (R), Spratt,
 Carothers

AN ACT

To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-6-8 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

“Section 23-6-8.

The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or a facsimile thereof printed or otherwise reproduced thereon. The signatures of both the president and the secretary on any bonds may be facsimile signatures if the board of directors, in its proceedings with respect to issuance of such bonds, provides for manual authentication thereof (or manual execution of certificates of registration thereon) by a trustee, registrar or paying agent or by named individuals who are employees of the state assigned to the finance department or the state treasurer's office. Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity for refunding at or before maturity with refunding bonds of the corporation or of another governmental entity or public corporation of the state and for defeasance of any unmatured refunded bonds through the use of any such refunding bonds, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 10 years after its date. Bonds of the corporation may be sold from time to time in one or several series and pursuant to a single bond resolution or separate bond resolutions, all as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation at any one time outstanding shall not exceed \$50,000,000 excluding refunding bonds, which

shall not be considered in determining such limit; provided, further, that no bonds (other than refunding bonds) may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the cost of industrial access roads and bridges that shall from time to time be constructed.

Obligations of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Subject to the provisions and limitations contained in this chapter, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the governor. Such approval by the governor may be (but is not required to be) shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in section 23-6-10 hereof. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 23-6-10 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this chapter shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds

issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation. Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 16, 1991

Time: 7:41 P.M.

Act No. 91-252

H. 556 — Reps. Clark (J), Campbell, Harper, Carter, Harvey, Gullatt, Cagle, Hill, Dolbare, Powell, Newman, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, Carothers

AN ACT

Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be appropriated annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the State Department of Public Safety for the purchase of equipment for traffic law enforcement. 1/4th of such appropriation shall be transferred quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective October 1, 1991 upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 16, 1991

Time: 7:42 P.M.

Act No. 91-253

H. 871 — Rep. Campbell

AN ACT

To authorize the city council of the City of Anniston, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Anniston, on all taxable property situated within the City of Anniston, the special ad valorem tax for public school purposes which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

(a) "Amendment No. 8" means that certain amendment to the Constitution that was proposed by Act No. 650 enacted at the 1919 Regular Session of the Legislature of Alabama.

(b) "Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

(c) "Council" means the city council of the city or other governing body of the city.

(d) "Constitution" means the Constitution of Alabama of 1901.

(e) "City" means the City of Anniston, Alabama.

(f) "Special Tax" means the special ad valorem tax voted for public school purposes that is authorized in Amendment No. 8 and pursuant to an election held in the city on September 14, 1989, to be levied and collected on taxable property in the city.

Section 2. The city is presently authorized to levy and collect the special tax at a rate of \$.63 on each one hundred dollars (6.3 mills on each dollar) of assessed value pursuant to Amendment No. 8, an election held in the city on September 14, 1989, and proceedings heretofore taken by the council under Amendment No. 373. Pursuant to a resolution adopted by the council in accordance with the provisions of Amendment No. 373, the city proposes to increase the rate at which the city is authorized to levy and collect the special tax to a maximum rate, for any tax year, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution heretofore adopted by the council after a public hearing, the council is hereby authorized to increase the rate at which the city is authorized to levy and collect the special tax to a maximum rate, for any tax year, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

Section 4. The increase in the rate at which the special tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in the city who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1991

Time: 7:50 P.M.

Act No. 91-254

H. 907 — Rep. Venable

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Tallassee, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may by local act provide for the election of the members of the board of education of the City of Tallassee in Elmore and Tallapoosa counties.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Elmore and Tallapoosa counties. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 25, 1991

Passed the Senate July 17, 1991

Act No. 91-255

H. 72 — Reps. Hawkins, Hooper, Hill,
Knight, Morton, Carns,
Petelos, Parker (T)

AN ACT

To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Alabama Safety Belt Use Act of 1991."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger under the purview of Section 32-5-222 of the Code of Alabama 1975, who is required to use a child passenger restraint system or a seat belt pursuant to Section 3-5-222.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may be fined up to \$25.00. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twelve months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 2:50 P.M.

Act No. 91-256

S.J.R. 132 — Senators Bennett, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING FRANK BRUER, CAPITAL CORRESPONDENT FOR THE BIRMINGHAM POST HERALD, ON HIS DISTINGUISHED CAREER, AND NAMING THE STATE HOUSE PRESS ROOM IN HIS HONOR.

WHEREAS, in noting the imminent retirement of our friend and distinguished journalist, Frank Bruer, we further note the accomplishments of his career as a newswriter for the Birmingham Post Herald, and previously as a staff member with the Mobile Press-Register and as editor with the Columbus Ledger-Enquirer; and

WHEREAS, Frank Bruer came to Montgomery in 1970 as Capital correspondent for the Post Herald and, for the past 21 years, has rendered invaluable service to the citizens of Alabama through his fair and accurate coverage of legislative affairs and other Capital City news; and

WHEREAS, through close association over the years, Mr. Bruer has become a good friend to many members of the Legislature, as well as to hundreds of others throughout the Capitol Complex, and as a result of his impartiality and factual reporting, his byline is eagerly sought by Post Herald readers statewide; and

WHEREAS, Mr. Bruer, a native of Union Town, Tennessee, and reared in Jackson, Tennessee, is a graduate of the University of Missouri, a United States Navy veteran, and plays a really mean jazz trumpet; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincere admiration of his outstanding career, we hereby commend Frank Bruer of the Birmingham Post Herald, an accomplished journalist whom we hold in highest regard and whose friendship we greatly value.

BE IT FURTHER RESOLVED, That in recognition of distinguished service to the citizens of Alabama, and in tribute to his many professional accomplishments, we hereby name and designate the Alabama State House Press Room, Room 124, as the "Frank Bruer Press Room," and authorize the placement of an appropriately inscribed plaque so designating the "Frank Bruer Press Room."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Bruer as a memento of this honorary designation by the Alabama Legislature.

Approved July 18, 1991

Time: 2:55 P.M.

Act No. 91-257

S.J.R. 70 — Senators Dial and Barron

SENATE JOINT RESOLUTION

NAMING THE BRIDGE ON HIGHWAY 411, AT LEESBURG, IN CHEROKEE COUNTY, ALABAMA, IN HONOR OF THE LATE FRED E. REYNOLDS OF LEESBURG, ALABAMA.

WHEREAS, the late Fred E. Reynolds of Leesburg, Alabama, died in August 1990, and was a native of Leesburg in Cherokee County, Alabama, born September 5, 1911; and

WHEREAS, Mr. Reynolds attended Gaston High School and began his first job with the State of Alabama as a water boy for the construction of Highway 411 near the Cherokee/Etowah County line with the Highway Department, from which he retired, and he also served as chief of police in Leesburg, Alabama, from which he retired at age seventy; and

WHEREAS, in 1942, Mr. Reynolds was drafted into the Army and was awarded the Bronze Star Medal for valorous conduct in action against the enemy on July 4, 1945, as a result of remaining in an exposed position to keep in operation four 50-caliber machine guns, disregarding heavy sniper and machine gun fire directed at his prominent figure; and

WHEREAS, in Germany, he was wounded by shrapnel while under a German air attack, for which he received the Purple Heart; and

WHEREAS, he was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state, and it is entirely fitting and proper that his memory be forever perpetuated in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of Fred E. Reynolds of Leesburg, Alabama, we hereby name and designate the bridge on Highway 411, at Leesburg in Cherokee County, Alabama, as the "Fred E. Reynolds Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating the "Fred E. Reynolds Bridge."

RESOLVED FURTHER, That the family of the late Fred E. Reynolds shall be provided with a copy of this commemorative designation of the Alabama Legislature.

Approved July 18, 1991

Time: 3:30 P.M.

Act No. 91-258 S.J.R. 117 — Senators Dial, Windom, B. Smith, Foshee, Horn, Amari, deGraffenried, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, J. Smith, Waggoner, and Wilson

SENATE JOINT RESOLUTION

DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.

WHEREAS, the Independent Community Bankers Association of Alabama was formed in 1986 by independent community bankers dedicated to quality personal service for their customers and their communities; and

WHEREAS, the independent community banks of Alabama have made many significant contributions to the economic well-being of this state for the past 100 years by providing vital support to enhance the growth and prosperity of the communities they serve; and

WHEREAS, there are more than 170 locally owned and operated independent banks in Alabama, with more than 450 banking offices located in small towns, rural areas, suburbs, and cities throughout the state; collectively, these banks represent more than \$9 billion in assets; and

WHEREAS, as active participants in their communities, these banks contribute to local economies as the employers of 13,500 Alabamians statewide; they also serve as economic focal points for their communities, reinvesting between 85 and 100 percent of their loan portfolios in local projects and businesses; and

WHEREAS, independent community banks have currently invested more than \$5 billion in residential, commercial, and agricultural loans to benefit Alabama citizens; through their ongoing support of local economies, independent community banks have greatly enhanced the quality of life for countless citizens of our state, and they are indeed deserving of special praise and recognition for their contributions in this regard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate September 15-21, 1991, as "Independent Community Banking Week" in Alabama in recognition of the important contributions made by the independent community banks of this state.

Approved July 18, 1991

Time: 3:31 P.M.

Act No. 91-259

S.J.R. 119 — Senator Hale

SENATE JOINT RESOLUTION

PROVIDING FOR THE ESTABLISHMENT OF THE ALABAMA COMMISSION ON AEROSPACE SCIENCE AND INDUSTRY.

WHEREAS, the state of Alabama has played an important role in aerospace science by being the location of federal aerospace science facilities, such as the NASA Marshall Space Flight Center, the Headquarters of the United States Army Missile Command, the United States Army Space Defense Command, Maxwell Air Force Base, Gunter Air Force Base, and the Army Aviation Center-Ft. Rucker; and

WHEREAS, many aerospace businesses located in the state of Alabama have made significant contributions to the advancement of aerospace research, development and commercialization; and

WHEREAS, the state of Alabama has dedicated substantial higher education resources to areas of research in aerospace engineering and related technological fields; and

WHEREAS, aerospace research, development and commercialization play an important economic role and bring substantial employment and educational opportunities; and

WHEREAS, the aerospace industry continues to be a high priority for the nation, and the state of Alabama is a major center of that activity and should assess what actions to take to continue to play a leading role in the aerospace science industry; and

WHEREAS, the legislature concurs with aerospace business representatives who recommend and request the formation of a statewide aerospace organization which will include representatives of aerospace business, state government, the state of Alabama's

congressional delegation, and federal aerospace science facilities located in the state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby established the Alabama Commission on Aerospace Science and Industry ("the Commission") consisting of the following members:

- a. The Governor or his designated representative.
- b. Two (2) members of the Governor's staff or cabinet to be appointed by the Governor.
- c. The Lieutenant Governor or his designated representative.
- d. Two (2) members of the Senate to be appointed by the Lieutenant Governor.
- e. The Speaker of the House or his designated representative.
- f. Two (2) members of the House of Representatives to be appointed by the Speaker of the House.
- g. Eighteen (18) aerospace industry representatives to be appointed by the Governor.
- h. Each United States Congressman and Senator representing the state of Alabama may appoint an ex-officio non-voting representative to the Commission.
- i. Each federal aerospace science facility in the state of Alabama may appoint an ex-officio non-voting representative to the Commission.

2. The Governor shall appoint a Commission member as interim chairperson to facilitate the start-up activities of the Commission. The Commission will then select an ongoing chairperson. The chairperson shall be responsible for the organizational structure of the Commission. Commission members from the aerospace industry shall not receive compensation or reimbursement for their activities. Legislative members of the Commission shall receive their normal per diem allowances for attending meetings of the Commission with such allowances to be paid from the budget of the Alabama Department of Economic and Community Affairs. The Commission may receive input from and consult with such advisers or experts as it may deem appropriate.

3. Commission members shall serve for three (3) years from the date of enactment of this resolution. Vacancies shall be filled in the same manner as original appointments and persons appointed

to positions created by a vacancy shall serve for the unexpired term only.

4. The Commission shall have the following duties:

a. To analyze the current and future status of the national and international aerospace industry, including types of programs and their economic impact upon the state of Alabama;

b. To analyze the state of Alabama's economic position within the aerospace industry, as well as the ability of the state of Alabama to maintain and develop educational training institutions to meet current and future aerospace workforce requirements;

c. To analyze and develop long-range business strategies for the state of Alabama designed to promote the development and expansion of future and existing aerospace industry facilities, including specific recommendations for the legislature and the Governor.

5. The Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs (ADECA) shall provide administrative support to the Commission.

Approved July 18, 1991

Time: 3:32 P.M.

Act No. 91-260

S.J.R. 120— Senator Waggoner

SENATE JOINT RESOLUTION

RECOGNIZING THE BIRMINGHAM ASSOCIATION OF REALTORS.

WHEREAS, the Birmingham Association of REALTORS, a professional trade association, was incorporated in 1911 in the City of Birmingham; and

WHEREAS, the Birmingham Association of REALTORS, while serving the needs of its members, also throughout its history has served to protect the rights of private property owners; and

WHEREAS, the Birmingham Association of REALTORS continues, through its Government Affairs program, to enhance the quality of life for the citizens of Alabama by pursuing legislation allowing affordable housing, first time home ownership, protection of property owners' rights, professional real estate services for consumers, equal opportunity in housing, and other laws and ordinances positively affecting the general public; and

WHEREAS, by these efforts, the Birmingham Association of REALTORS has been instrumental in helping many citizens of this state in attaining the American dream of home ownership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend the members of the Birmingham Association of REALTORS for their vigilant and unselfish efforts and for sacrifices in these endeavors to serve the public.

BE IT FURTHER RESOLVED, That the Birmingham Association of REALTORS be provided with a copy of this resolution of legislative recognition.

Approved July 18, 1991

Time: 3:33 P.M.

Act No. 91-261

S.J.R. 122 — Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING HIS ROYAL HIGHNESS KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA.

WHEREAS, it is a distinct honor and pleasure for the Legislature of Alabama to recognize His Royal Highness Prince Khaled Bin Sultan Bin Abdulaziz of Saudi Arabia, a former resident of Montgomery while attending the U. S. Air War College at Maxwell Air Force Base where he graduated with honors, and an alumnus of Auburn University at Montgomery where he received the Master's degree in political science in 1980; and

WHEREAS, His Royal Highness Lieutenant General Khaled Bin Sultan Bin Abdulaziz is the ranking officer of the Royal Saudi Armed Forces and was Commander of the Joint Arab Forces, as well as Co-commander of the Allied Forces during the Persian Gulf War which ended with the unconditional surrender of Iraq; and

WHEREAS, under the brilliant command of General Khaled, the Saudi troops contributed immeasurably to the allied victory, including a 36-hour attack and the first land battle fought by the Saudis in modern times which ended in the recapture of the town of Khafji from Iraqi control; and

WHEREAS, His Royal Highness Lieutenant General Khaled Bin Sultan Bin Abdulaziz has indeed enjoyed a brilliant military career and is the recipient of numerous military honors and decorations, including Saudi Arabia's King Faisal 4th Class Decoration,

the Commandant Class Alawai Decoration from his Majesty, the King of Morocco, the Commandier de la Legion d'Honneur from the President of France, and the Legion of Merit from President George Bush; and

WHEREAS, in addition to his military duties, he is active in support of many charitable endeavors, giving generously to such causes in his homeland; he also provides funding for medical care and scholarships for individuals of various nationalities in Saudi Arabia, the United States and the United Kingdom, and has endowed the construction of hospital facilities and the establishment of the Khaled Bin Sultan Eminent Scholar Chair in political science at Auburn University; and

WHEREAS, Prince Khaled has many friends in Montgomery, in Alabama, and throughout the United States, and it is therefore with personal knowledge and through friendship that we speak highly of his many past accomplishments, and of those of the Saudi, United Arab and Allied Forces under his capable command; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend His Royal Highness Lieutenant General Khaled Bin Sultan Bin Abdulaziz of Saudi Arabia and do further direct that he receive a copy of this resolution, executed in sincere friendship and warmest personal regard.

BE IT FURTHER RESOLVED, That copies of this resolution also be sent to His Royal Highness King Fahd, the Kingdom of Saudi Arabia, and to His Royal Highness Prince Bandar, Ambassador to the United States.

Approved July 18, 1991

Time: 3:34 P.M.

Act No. 91-262

S.J.R. 123 — Senator Dixon

SENATE JOINT RESOLUTION

HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM, ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.

WHEREAS, the Alabama Legislature notes with highest commendation and esteem the numerous and notable accomplishments of W. Earle Riley, M.D. of Birmingham, Alabama in service

to his profession, to his community, and to all citizens of the State of Alabama; and

WHEREAS, Dr. Riley received his medical education and training in Alabama and, after distinguished service with the United States Air Force, returned to the active practice of medicine and surgery at Lloyd Noland Hospital, Fairfield, Alabama; and

WHEREAS, Dr. Riley has served the state and his profession with distinction at the county, state, and national level in numerous and varied positions of great responsibility including membership on the Board of Censors of the Medical Association of the State of Alabama, the State Board of Medical Examiners, the State Committee of Public Health, and service as a Delegate from the State of Alabama to the American Medical Association, most recently completing six (6) years of distinguished service as Chairman of the Board of Censors, the State Committee of Public Health, and the State Board of Medical Examiners; and

WHEREAS, medical education in the State of Alabama has benefited immeasurably from the dedicated service of Dr. Riley on the Admissions Committee of the Medical School of the University of Alabama and as Chairman of the Alabama Board of Medical Scholarships Awards; and

WHEREAS, Dr. Riley's splendid record of accomplishment and dedicated service to his state and to his community reflects the highest credit upon him and upon the medical profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding record of accomplishment and contribution to the medical profession and to the public health and welfare of citizens of the State of Alabama, we hereby most highly commend W. Earle Riley, M.D., to whom a copy of this Resolution of sincere praise and esteem, shall be presented.

Approved July 18, 1991

Time: 3:35 P.M.

Act No. 91-263

S.J.R. 124 — Senator Bedsole

SENATE JOINT RESOLUTION

COMMENDING COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) ON ITS ACHIEVEMENT AT THE NATIONAL LEVEL.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Community Intensive Treatment for Youth (C.I.T.Y.), Birmingham, on the recent national recognition accorded its nonresidential program for adjudicated youth; and

WHEREAS, in a report prepared for the National Governors' Association, the C.I.T.Y. program was one of five community-based programs in the country described as an exemplary and innovative approach to program design and coordination of services that could be adapted in other communities to meet the diverse needs of delinquent youth; and

WHEREAS, the C.I.T.Y. program, based in Jefferson, Madison, Mobile, Montgomery, Etowah and Tuscaloosa Counties, was selected by a review board's consideration of stringent criteria and its determination that the program was a community-based alternative to incarceration for juvenile offenders, and also fully met requirements related to goals and objectives, cost and effectiveness, sources of funding, comprehensive delivery service, collaboration with community agencies and the inclusion of clients' families in service provided; and

WHEREAS, the C.I.T.Y. program, which serves youth referred by the courts, is funded by the federal Job Training Partnership Act and the Alabama Department of Youth Services, with 1990-91 contributions from each source providing 34 percent and 66 percent, respectively; civic groups contribute resources to programs in their areas, while social service and other agencies, as well as county health centers, also contribute to the provision of comprehensive care for problem youth; and

WHEREAS, recent data clearly shows evidence of positive outcomes for C.I.T.Y. youth, and this nationally acclaimed program, which has had and continues to receive the full support of Governor Guy Hunt, has brought widespread recognition to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in acknowledgement of accomplishment and gratitude for service, we hereby most highly commend Community Intensive Treatment for Youth, and do further direct that a copy of this resolution be forwarded to Mr. Ed Earnest, Executive Director of C.I.T.Y.

Approved July 18, 1991

Time: 3:36 P.M.

Act No. 91-264

S.J.R. 125 — Senators Bedsole and Lindsey

SENATE JOINT RESOLUTION

COMMENDING MR. GARY FORTENBERRY OF CHOCTAW COUNTY, ALABAMA, ON HIS SELECTION AS SOUTHERN REGION TREE FARMER OF THE YEAR.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Mr. Gary Fortenberry of Choctaw County, Alabama, on his selection as Southern Region Tree Farmer of the Year, which has been awarded twice during its existence to a fellow Alabamian; and

WHEREAS, Mr. Fortenberry is a tree farmer, but, more importantly, he is a true steward of the land, preaching — and planting — permanence and, wherever possible, striving to improve whatever he finds; and

WHEREAS, he is a member of the board of directors for the Choctaw County Farmers Federation, believing in providing permanent food and shelter for wildlife; and

WHEREAS, Mr. Fortenberry has faithfully followed providing permanent food and shelter for wildlife on his 1,140 acres in West Alabama's Choctaw and Sumter Counties; and

WHEREAS, he is a supervisor with Dan River Mills when he's not planting trees, and was the first farmer in the area to plant food plots specifically for wildlife; and

WHEREAS, Mr. Fortenberry was the first in Choctaw County to seek assistance in managing his deer herd through the Department of Conservation's Deer Management Program; and

WHEREAS, Mr. Fortenberry's property was designated a Treasure Forest in 1980, the third such forest to receive such designation in Choctaw County; he is a recipient of the 1989 Helene Mosely Memorial State Treasure Forest Award and the 1990 State Tree Farmer Award which is deserving of highest praise for the distinction he has brought upon his community and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Gary Fortenberry of Choctaw County, Alabama, on his selection as Southern Region Tree Farmer of the Year, and do further provide that he receive a copy of this resolution of sincere admiration and esteem.

Approved July 18, 1991

Time: 3:37 P.M.

Act No. 91-265

S.J.R. 126 — Senator Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MATTHEW HALL, JR., OF THEODORE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the tragic and untimely death of Matthew Hall, Jr., on May 3, 1991, at the age of just 18 years; and

WHEREAS, Matthew Hall, was an intelligent and capable young man facing a bright and promising future; and

WHEREAS, he was an outstanding student-athlete at Theodore High School where he was a member of the varsity baseball team as a freshman, starting shortstop as a sophomore, All-Conference as a junior and, as a senior, among other honors, was posthumously named to the All-Conference Team and selected to "Super 25" as one of the top 25 players in Mobile County; and

WHEREAS, a two-year letterman in football, Matt Hall was All-Area I Quarterback (1990), Creighton Optimist Player of the Week (1990), alternate placekicker on Ala/Miss All-Star selection, and completed the 1990 season with 13 touchdown passes, over 1300 yards passing and three interceptions; and

WHEREAS, also, in extracurricular involvement and accomplishments, he was a member of his school's SADD Chapter, Homework Club and the Theodorian Staff, and was a Student Council Representative and Class Favorite; and

WHEREAS, Matthew Hall, Jr., was indeed an exemplary young man whose outstanding talent and ability were greatly admired by his many friends and classmates, and his tragic death has left an unfathomable void in their lives and hearts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Matthew Hall, Jr., of Theodore, Alabama, and extend deepest sympathy to his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved July 18, 1991

Time: 3:38 P.M.

Act No. 91-266

S.J.R. 129 — Senator Sanders

SENATE JOINT RESOLUTION

NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate those portions of State Highway 14 in Dallas, Perry, Hale and Greene Counties as the "Martin Luther King, Jr., Highway."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Martin Luther King, Jr., Highway," and that further the Alabama State Highway Department be advised, by copy of this resolution, of this memorial designation by the Alabama Legislature.

Approved July 18, 1991

Time: 3:39 P.M.

Act No. 91-267

S.J.R. 130 — Senator Hilliard

SENATE JOINT RESOLUTION

NAMING THE MARTIN LUTHER KING, JR., HIGHWAY IN BESSEMER, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway 150 within the city limits of Bessemer, Alabama, is hereby named in honor of the late Martin Luther King, Jr., and is officially designated as the "Martin Luther King, Jr., Highway."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Martin Luther King, Jr., Highway."

Approved July 18, 1991

Time: 3:40 P.M.

Act No. 91-268

S. 321 — Senators Smith (B) and Campbell
AN ACT

To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4-3-41, Code of Alabama 1975, is hereby amended to read as follows:

“§4-3-41.

“(1) Pursuant to the provisions of this article, airport authorities may be organized as public corporations with the powers set forth in this article. To organize such a corporation, not less than three natural persons shall file with the governing body of any county or any municipality an application in writing for permission to incorporate a public corporation under the provisions of this article and shall attach to such application a proposed form of certificate of incorporation for such corporation. If each governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then said applicants shall become the incorporators of and shall proceed to incorporate the authority as a public corporation in the manner provided in this article, using for that purpose the form of the certificate so approved.

“(2) Any existing public airport authority created pursuant to any legislative act other than the provisions of this article may be reincorporated under this article, avail itself of all rights, powers and privileges and become subject to all duties, obligations and responsibilities conferred or imposed by this article, in the following manner:

“(a) The board of directors or other governing body of such public airport authority shall adopt a resolution stating that it proposes and applies for permission to reincorporate hereunder and containing a form of proposed certificate of reincorporation, which

said certificate of reincorporation shall include, with the necessary changes in detail, the information required to be included in a certificate of incorporation described in section 4-3-42, other than that referred to in subdivision (1) thereof.

“(b) Such public airport authority shall, as promptly as practicable thereafter, file a certified copy of such resolution with the governing body of each county or municipality authorizing the formation of such public airport authority; and each such county and municipality shall be deemed an authorizing subdivision with respect to any such public airport authority reincorporated hereunder.

“(c) The governing body of each authorizing subdivision shall, as promptly as may be practicable after the filing of said certified resolution, review and act upon the said resolution and application in the manner prescribed in subdivision (1) of this section 4-3-41, with such changes in detail as may be necessary.

“(d) The chairman, or other principal officer, and the secretary of such public airport authority shall thereupon sign and acknowledge the said certificate of reincorporation, and cause it to be filed for record in the office of the judge of probate specified in section 4-3-43. The judge of probate shall forthwith receive and record the said certificate.

“(e) The existence of such public airport authority as an authority under this article shall begin upon the filing of the said certificate of reincorporation as provided for in this section.

“No such reincorporation shall in any manner affect the rights of creditors or the rights or liabilities of the public airport authority existing at the time of such reincorporation, nor shall such reincorporated public authority be required to apply for or obtain any license, permit, franchise, right-of-way, consent or approval from any governmental authority previously obtained by such public airport authority, any provision of law to the contrary notwithstanding. With respect to any public airport authority reincorporated hereunder, any reference herein to a certificate of incorporation thereof shall also include and refer to its certificate of reincorporation. As used herein, the term public airport authority means any public authority, public corporation or public association or entity organized by or with the consent of any county or municipality, or any two or more thereof, having the power to own or operate any airport facilities.”

Section 2. Section 4-3-45, Code of Alabama 1975, is hereby amended to read as follows:

“§4-3-45.

"Each authority shall be governed by a board of directors of either three, five or seven members as provided in the certificate of incorporation or the bylaws. If the sole authorizing subdivision is a county, the county commission of the county shall elect all directors. If the sole authorizing subdivision is a municipality, the governing body of such municipality shall elect all directors. The directors initially elected shall be elected for terms of office of two, four and six years, respectively, and their successors shall be elected for terms of six years. If a county and a municipality are both authorizing subdivisions, the governing body of the municipality shall elect one director for an initial term of two years if three directors are to be elected, and one director for an initial term of two years and one director for an initial term of four years if five directors are to be elected, and one for an initial term of two years and one for an initial term of four years and one for an initial term of six years if seven directors are to be elected, the county commission shall elect one director for an initial term of four years if three directors are to be elected, and one director for an initial term of two years and one director for an initial term of four years if five directors are to be elected, and one for an initial term of two years and one for an initial term of four years and one for an initial term of six years if seven directors are to be elected. The governing bodies of the county and the municipality shall agree on the third, fifth or seventh director, whose term of office shall be for six years. In the event of a vacancy in the office of such third, fifth, or seventh director which continues for more than 30 days, then and in such event the governor shall, upon the request of any one or more of such authorizing subdivisions, appoint the said additional director. The term of office of all directors except those initially elected shall be for a term of six years.

"Except in the case of the election of directors for an existing public airport authority reincorporated hereunder, election of directors by the governing body of a municipality shall be on the nomination of the mayor. Except in the case of the election of directors for an existing public airport authority reincorporated hereunder, election of directors by the county commission of a county shall be on the nomination of the judge of probate. If the certificate of incorporation shall so provide, any member of the county commission of a county which is an authorizing subdivision or the governing body of the municipality which is an authorizing subdivision shall be eligible for election as director. If the certificate of incorporation shall so provide, the mayor of the municipality which is the authorizing subdivision or the judge of probate of the county which is an authorizing subdivision or both such mayor and such judge of probate if both a county and a municipality are authorizing subdivisions shall ex officio be entitled to notice of

each special or called meeting and to attend all meetings of the board, but shall have no right to vote at any such meeting and shall not be considered in determining a quorum. If any director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be elected in the manner prescribed in this section by the governing body which elected the director whose unexpired term he is filling or, in the case of the additional member, by the governing bodies of both the county and the municipality and, failing such election for a period of more than 30 days shall be appointed by the governor upon the request of any such governing body. Directors shall be eligible for reelection.

“The current directors of an existing public airport authority reincorporated hereunder shall retain full authority to act during the period between the time such airport authority shall file a certificate of reincorporation and the time the authorizing subdivisions elect all the directors of such airport authority in the manner prescribed in this section.

“A majority of the directors shall constitute a quorum of the board for the transaction of business, but any meeting of the board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. The board shall hold an annual meeting and such other regular meetings as may be provided in the bylaws of the authority, and the board may hold other meetings at any time from time to time; provided, that upon call of the chairman of the authority or any two directors, a special meeting of the board must be held. Any matter on which the board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record.

“All proceedings of the board shall be reduced to writing by the secretary of the authority, recorded in a well-bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

“Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Each director may also be compensated by the authority in an amount authorized by the bylaws and by the governing body of the authorizing subdivision or subdivisions.

"Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said section 175."

Section 3. Section 4-3-47, Code of Alabama 1975, is hereby amended to read as follows:

"§4-3-47.

"The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

"(1) To have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation;

"(2) To sue and be sued in its own name in civil actions, excepting actions in tort against the authority;

"(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

"(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

"(5) To acquire, receive, take and hold, whether by purchase, option to purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, and to manage said property and to develop any property and to sell, exchange, lease or grant an option to purchase any property (whether developed or undeveloped) owned, leased or controlled by it;

"(6) To make, enter into, execute and perform such contracts, agreements, leases and other instruments and to take such other action as may be necessary or convenient to accomplish any purpose for which the authority was organized or the exercise of any power granted hereunder;

"(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, including the acquisition, construction, installation, equipment, maintenance and operation at or in connection with or in furtherance of the use of such airports of sanitary and storm sewage systems and water, electric

and gas systems, buildings, hangars and other facilities for airlines and the servicing of aircraft or for the comfort, use and accommodation of air travelers and the purchase and sale of such supplies, goods and commodities as are incident to the operation of its airport properties;

“(8) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate heliports, aerial aircraft (by whatever name such may be known) landing, loading or storage areas and transportation terminals, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision;

“(9) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits or exhibitions or for the conduct of any lawful business, at, upon or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, and to sell, exchange, grant an option to purchase, lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve;

“(10) To furnish or supply upon any airport, heliport or aircraft landing area or other property owned or operated by or under the jurisdiction of the authority, for reward or compensation, goods, commodities, space, facilities and services, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts and equipment, space in buildings, space for buildings and structures, parking space for aircraft and automobiles and the services of mechanics, instructors and hostlers;

“(11) To confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the authority all or any part of the goods, commodities, things, services and facilities authorized to be supplied by subdivision (10) of this section;

“(12) To acquire, by eminent domain and otherwise, establish, construct, expand, own, control, equip, improve, maintain, operate and regulate satellite airports or landing fields for the use of aircraft in the state, whether in one or more counties and whether

within or without the corporate limits of any authorizing subdivision;

“(13) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports, air navigation facilities and other facilities, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision; provided, however, that the authority shall not acquire or take over any airport or air navigation facility owned or controlled by any county, municipality or public agency of the state, or any one or more thereof, without the consent of such county, municipality or public agency;

“(14) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, property which may be used or useful for educational facilities, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate schools, institutions of higher learning and other educational facilities upon or adjacent to the properties of the authority and to sell, lease or donate such educational properties;

“(15) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, property which has been or may be used or useful for housing, apartments and other residential buildings, structures, complexes and projects, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate such housing and residential facilities upon or adjacent to the properties of the authority and to sell, lease or donate such properties;

“(16) To acquire, by purchase, gift, devise, lease or otherwise, to establish, expand, own, control, equip, improve, maintain, operate and regulate railroads, spur tracks and other railway facilities and equipment on or adjacent to the properties of the authority and to sell or lease such properties;

“(17) To acquire, by purchase, gift, devise, lease or otherwise, and to operate docks, wharves, maritime warehouses, machinery and equipment and port facilities; provided that such acquisition or operation shall be approved by the director of the Alabama state docks department;

“(18) To issue interest-bearing revenue bonds to provide funds for any corporate function, use or purpose, such bonds to be payable from the limited sources referred to in this article;

“(19) To mortgage, assign and pledge, as security for payment of the principal of and interest on any such bonds or notes and any agreements made in connection therewith, any or all of its properties or any part or parts thereof (whether then owned or thereafter

acquired) and to pledge for payment of such bonds any revenues, rents, receipts and funds from which such bonds are made payable;

“(20) To assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues, rents, receipts and funds from any air transportation facilities, air navigation facilities or other facilities, or any part thereof, that may be acquired by the authority;

“(21) To exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of this Code with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivisions, including air space, navigation easements, structures and obstructions to flights and property already devoted to public use, that may be reasonably necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility, or sanitary or storm sewage systems or water, electric and gas systems, upon, adjacent to, in connection with or in furtherance of the use of any airport, heliport or aircraft landing area or other properties owned or operated by the authority;

“(22) To appoint, employ, contract with and provide for compensation of officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the authority may require, including the power to fix working conditions and other conditions of employment by general rule and, at its option, to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will;

“(23) To fix, establish, collect and alter landing fees, tolls, rents, passenger facility charges, access fees and other charges with respect to any airport, heliport, landing area, air navigation facility or other facility, building, structure, or property owned or controlled by the authority, or any service provided pursuant thereto, or any benefit derived therefrom;

“(24) To make and enforce reasonable rules and regulations governing the use of any airport, heliport, landing area or airport facility or other facility owned or controlled by the authority;

“(25) To provide for such insurance, including but without limitation to, use and occupancy insurance, as the board may deem advisable;

“(26) To invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in

any obligations which are direct, general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America or in bonds of this state or any county or municipality therein or in interest-bearing deposits or other obligations; provided, that such deposits or other obligations are either insured by the United States of America or an instrumentality or agency thereof or are collaterally secured by a pledge of obligations which are direct, general obligations of the United States of America or are unconditionally guaranteed as to both principal and interest by the United States of America;

“(27) To cooperate with the United States of America, the state or any county, city, town, public corporation, agency, department or political subdivision of the state or the United States of America, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established;

“(28) To sell, exchange and convey, including the granting of options to acquire, any or all of its properties that may have become obsolete or worn out or that may no longer be needed or useful to the authority in connection with, or in the operation of the airport, heliport or other facility with respect to which they were acquired or of which they form a part, or that the board deems to be in furtherance of any purpose for which the authority was organized;

“(29) To receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any airport, heliport or airport facility, air navigation facility or other facility from the United States of America or any agency thereof and from the state or any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever;

“(30) To sell, donate and convey, with or without consideration, any of its properties to any one or more counties, municipalities or public corporations organized and existing under the laws of the state which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxes; provided, that any such conveyance shall not be made without the prior consent of the authorizing subdivision or subdivisions, as evidenced by resolution duly adopted by the governing body thereof, or if any such conveyance would constitute the violation of any then outstanding indenture to which the authority is a party;

“(31) To purchase equipment and supplies necessary or convenient for the exercise of any power of the authority;

“(32) To appoint, employ, contract with and provide for compensation of one or more suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to property owned by or under the jurisdiction of the authority. All such persons shall be charged with all the duties and invested with all the powers of police officers. Any police officer appointed pursuant to the provisions of this subdivision is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such police or peace officer shall be the enforcement of the law on property owned by or under the jurisdiction of the authority employing said police or peace officer; and provided further, that any such police or peace officer shall not otherwise act as a peace officer in enforcing the law except (a) when in pursuit of any offender or suspected offender who is charged with the commission of a crime while on premises owned by or under the jurisdiction of said authority, or (b) to make arrests otherwise lawful for crimes committed, or for which there is probable cause to believe have been committed, within his presence or within the boundaries of said property owned by or under the jurisdiction of said authority. The provisions of this subdivision granting powers to police officers employed by an authority are not intended to limit or abridge any powers heretofore granted to said officers by law, or to imply that such powers do not otherwise exist on the date of the enactment of this subdivision, and the provisions of this subdivision are, therefore, to be considered cumulative.

“If any other state, local or federal law enforcement agency has concurrent jurisdiction over property owned by or under the jurisdiction of the authority, such agency shall obtain permission from the authority having jurisdiction over the airport or airport facility for gaining access to designated restricted or non-public use areas of the airport or airport facility for its respective law enforcement purposes.

“Jurisdiction over all misdemeanors and felonies committed on the property of the authority shall be vested in the appropriate court of an authorizing subdivision or, if jurisdiction is not appropriate in the courts of an authorizing subdivision, then in a court of competent jurisdiction where the misdemeanor or felony occurred;

“(33) To enter into a management agreement or agreements with any county or municipality in the state for the management by the authority of any airport, heliport, air navigation facility or other facility useful to the authority, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, upon such terms and conditions as may be mutually agreeable;

“(34) To engage in temporary financing through the issuance from time to time of its bonds or notes for any of its corporate

purposes, which bonds or notes shall mature not later than twenty-four (24) months from their date of issuance, to provide for the payment of the same from the principal proceeds of the sale of its long-term revenue bonds, and to mortgage, assign and pledge, as security for payment of the principal of and interest on any such temporary bonds or notes and any agreements made in connection therewith, any properties, revenues, receipts or funds it is authorized to mortgage, assign or pledge under subdivision (19) of this section;

“(35) To assess and collect fines from any person, firm or corporation occupying or utilizing an airport or an airport facility in order to reimburse the authority having jurisdiction over such airport or airport facility for civil penalties levied by any government entity if such penalties arise as the result of acts or omissions of such party.”

Section 4. Section 4-3-59, Code of Alabama 1975, is hereby amended to read as follows:

§4-3-59.

“The bonds issued by the authority and the income therefrom shall be exempt from all taxation in the state. All property and income of the authority shall be exempt from all state, county, municipal and other local taxation; provided however, that this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of the authority from the payment of any licenses or privilege taxes levied by the state, the county or any municipality in the state. Any deeds or other documents whereby properties are conveyed to the authority, any indentures executed by the authority and any leases made by the authority may be filed for record in the office of the judge of probate of the county without the payment of any tax or fees other than such fees as are prescribed by law for the recording of such instruments. In addition, the authority shall not be required to pay any tax resulting from the conversion of property qualified for assessment based on its current use value, with respect to either property conveyed to the authority or property sold or otherwise disposed of by the authority; provided, however, that this exemption shall not be construed to exempt from liability for such additional ad valorem taxes any person otherwise liable, under applicable provisions of law, for the payment of such taxes.”

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:41 P.M.

Act No. 91-269

H.J.R. 221 — Reps. Butler, Freeman, Hall,
Sanderford, Grayson, Haney

HOUSE JOINT RESOLUTION

COMMENDING SHIRLEY M. PAUL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE HUNTSVILLE COMMUNITY.

WHEREAS, the Legislature of Alabama notes with sincere praise and esteem the invaluable service rendered by Shirley M. Paul to the University of Alabama in Huntsville from February 2, 1982, until retirement on March 15, 1991; and

WHEREAS, Mrs. Paul, who began her employment with UAH as a secretary in the Chemistry Department, soon transferred to the Office of Governmental Relations where she worked with two former directors, as well as the current director of the office; and

WHEREAS, throughout her distinguished tenure with the Governmental Relations Office, Mrs. Paul worked with great diligence and efficiency; her contributions to the effectiveness of the office were both numerous and varied, and her widespread reputation as a courteous and knowledgeable research source was evidenced in the respect and regard in which she was held by UAH students, governmental officials at all levels, and by her many co-workers and peers; and

WHEREAS, Mrs. Paul's many achievements and significant contributions have been recognized by letters of commendation from U. S. Congressmen, the State Legislature, leaders within the industrial and educational communities, and she further has been lauded for her instrumental role in producing the Task Force Report to the President "On the Frontier of Space Education, Research and Service"; her input to the team effort to have UAH designated by NASA as a Space Grant College; and her supportive efforts in the acquisition of the UAH Aerophysics Propulsion Research Facility from General Motors Corporation; and

WHEREAS, she additionally worked long and hard for the UAH Alumni Association and its major activities, and otherwise provided volunteer support of numerous other university and community programs and affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Shirley M. Paul for distinguished service to the University of Alabama in Huntsville and to the Huntsville community, and do further direct that she receive a copy of this resolution

of sincere regard and with best wishes for every future success and happiness in life.

Approved July 18, 1991

Time: 3:45 P.M.

Act No. 91-270

H.J.R. 307 — Rep. Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING THE OPELIKA HIGH SCHOOL BOYS TENNIS TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in consensus of highest commendation, the Alabama Legislature congratulates the Opelika High School Boys Tennis Team for extraordinary achievement; and

WHEREAS, the Opelika High School Boys Tennis Team, under the talented leadership of Coach John Wilson, has gone undefeated through thirty-three consecutive matches over a three-year period; and

WHEREAS, the team also placed first in Section Three during 1990 and 1991; were ranked fourth in the state in the 6A division in 1990; and most recently won the State Class 6A Championship for 1991; and

WHEREAS, the Boys Tennis Team members are Jonathan Bankhead and Charles Newman, 1991 State 6A Champions in their respective team positions; Mac Freeman, who with Charles Newman, captured 1991 State Championship status in their respective doubles positions; and teammates Brian Reeves, Chris Hethcox, Crawford Tatum, Allen Owen, Brian Taylor and Brett Scullen — all of whom, through outstanding ability and exemplary conduct, have brought honor to their school, the Opelika City School System and the City of Opelika with their attainment of Championship status in 1991; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach John Wilson and the entire Opelika High School Boys Tennis Team, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved July 18, 1991

Time: 3:46 P.M.

Act No. 91-271

H.J.R. 120 — Reps. Gaston, Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND TO THE COMMUNITY.

WHEREAS, the Legislature of Alabama most highly commends and congratulates Bea Volkman, a Mobile County public school teacher, as Alabama's 1990 Elementary Teacher of the Year, and as one of four finalists in the National Teacher of the Year competition, who were selected by the Council of Chief School Officers and the Encyclopedia Britannica; and

WHEREAS, Mrs. Volkman, who has earned the B. S. degree in Education from Drake University and her Master of Education degree from the University of South Alabama, is the arts facilitator at Old Shell Road and Dunbar magnet schools for creative and performing arts; and

WHEREAS, a veteran of 18 years as a classroom teacher of learning disabled children in kindergarten through fifth grades, Mrs. Volkman was a learning disabilities resource teacher at Semmes Elementary School when she entered the 1990 Teacher of the Year competition; and

WHEREAS, in professional involvement, Mrs. Volkman is affiliated with the Learning Disabilities Association, Council for Exceptional Children, Association for Supervision and Curriculum Development, Phi Delta Kappa, the Mobile County, Alabama and National Education Associations, Beta Tau Chapter of Delta Kappa Gamma and several reading associations on the local, state and international levels; she also is a former member of the Superintendent's Advisory Board and past chairman of the Principal's Advisory Board; and

WHEREAS, she further has made presentations before a number of state-level conventions, including those of the Alabama Reading Association, Alabama Association for Curriculum Development, Council for Exceptional Children, and the Principals and Administrators Conference; and

WHEREAS, Mrs. Volkman, in reflection of her achievements, has received grants from the Mobile Arts Council and the Junior League of Mobile; was the recipient of the Outstanding Teacher of the Year award (1987-1988); and has been nominated for Troy State University's Teacher Hall of Fame and for Mobile's Outstanding Career Woman, 1988; and

WHEREAS, in an extension of her many involvements, Mrs. Volkman has also assumed a leadership role in the community as a former board member of the Children's Theatre and past program chairman for the Christian Woman's Club; she currently is active in the Mobile Opera Guild, Exploreum (board membership), Mobile Area Chamber of Commerce Educational Task Force, Challenge 2000, and is an active member of Holy Cross Lutheran Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and service, we hereby most highly commend Alabama's 1990 Elementary Teacher of the Year, Bea Volkman of Mobile, Alabama, for whom a copy of this resolution of sincere praise and regard shall be provided.

Approved July 18, 1991

Time: 3:47 P.M.

Act No. 91-272

H. 674 — Rep. Letson

AN ACT

Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lawrence County commission shall reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total for each office of five thousand dollars (\$5,000.00) per annum, arising or caused by error, if the mistake or omission was caused without personal knowledge, including loss arising from acceptance of worthless or forged checks, drafts, money orders or other written orders for money or its equivalent.

Section 2. It shall be the duty of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge to insure that their employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This

act shall not apply to any deliberate misuse or misappropriation of funds by said officials or any clerk or employee of said offices.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:48 P.M.

Act No. 91-273

H. 722 — Rep. Thomas

AN ACT

Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lowndes County, the coroner shall be entitled to receive remuneration in the amount of \$15.00 in each case for holding an inquest, when ordered by the judge of a court of record or for investigation and certification of the cause of death when no jury is summoned or postmortem examination made by a physician or surgeon as provided by Section 12-19-193 of the Code of Alabama 1975. In addition to the amounts listed herein, the coroner shall receive an expense allowance in the amount of \$250.00 per month. The compensation provided for by this act shall be paid from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended, are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:49 P.M.

Act No. 91-274

H. 675 — Rep. Letson

AN ACT

Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other costs and charges of court, there is hereby levied an additional court charge of \$1.50 per case filed in the circuit and district courts of Lawrence County. Said additional court charge shall be collected as other costs and charges of court are collected.

Section 2. The proceeds of said charge shall be paid to the historical commission of Lawrence County referred to in Act 511, S. 723 of the 1978 Regular Session (Acts of 1978, p. 565). Said payment shall be in addition to all other payments provided by law to said historical commission.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:50 P.M.

Act No. 91-275

H. 731 — Rep. Carter

AN ACT

Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in Limestone County shall receive an expense allowance of \$600.00 per month and the deputy coroner

shall receive an expense allowance of \$75.00 per month. Said expense allowances shall be in addition to all other compensation, expense allowances or benefits granted, to the coroner and deputy coroner.

Section 2. Beginning with the next term of office, the expense allowances paid to the coroner and the deputy coroner as provided in Section 1 shall be null and void. In lieu thereof, the coroner shall receive an additional compensation of \$600.00 per month and the deputy coroner shall receive an additional compensation of \$75.00 per month. Said compensations shall be in addition to all compensations, expense allowances or benefits received.

Section 3. The coroner and deputy coroner are hereby authorized to employ assistants when needed and to use their compensations to compensate said assistants.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective October 1, 1991.

Approved July 18, 1991

Time: 3:51 P.M.

Act No. 91-276

H. 732 — Rep. Hamilton

AN ACT

Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and members of the county commission in Limestone County shall receive an expense allowance of \$900.00 per month. Said expense allowance shall be in addition to all other compensation, expense allowances or benefits granted to the chairman and members of the county commission.

Section 2. Beginning with the next term of office, the expense allowance paid to the chairman and members of the county commission as provided in Section 1 shall be null and void. In lieu

thereof, the chairman and members of the county commission shall receive an additional compensation of \$900.00 per month. Said compensation shall be in addition to all compensations, expense allowances or benefits received.

Section 3. Upon the passage of this act, the district 4 county commissioner's expense allowance shall be retroactively converted to salary.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Approved July 18, 1991

Time: 3:52 P.M.

Act No. 91-277

H. 834 — Rep. Newman

AN ACT

Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevell Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevell Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevell Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Bevell Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are

payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The following words and phrases used in this act shall have the following respective meanings unless the context clearly indicates otherwise:

(1) "Authority" means the public corporation organized pursuant to the provisions of this act.

(2) "Board" means the board of directors of the authority which shall be the governing body of the authority.

(3) "Bonds" means and shall include bonds and notes.

(4) "County" means Fayette County.

(5) "Director" means a member of the board of directors of the authority.

(6) "Governing body" means the county commission or other like governing body of Fayette County.

(7) "Municipality" means an incorporated city or town of the state.

(8) "Person," unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States of America.

(9) "Property" means and includes real and personal property, and interest therein.

(10) "State," in the absence of clear implication herein otherwise, means the state of Alabama.

(11) "The Tom Bevill Reservoir Management Area" means and includes the following lands in Fayette County:

Township 14 South, Range 10 West

Section 32: S 1/2 of SE 1/4; Section 33: S 1/2 of SW 1/4

Township 15 South, Range 10 West

Section 4: NW 1/4; SW 1/4; Section 5: NE 1/4; SE 1/4; S 1/2 of SW 1/4; Section 7: SE 1/4 of NE 1/4; E 1/2 of SE 1/4; Section 8: All; Section 9: NW 1/4; SW 1/4; SE 1/4; S 1/2 of NE 1/4; Section 10: S 1/2 of NW 1/4; SW 1/4; Section 15: NW 1/4; SW 1/4; Section 16: All; Section 17: All; Section 18: SE 1/4; SW 1/4; S 1/2 of NW 1/4; S 1/2 of NE 1/4; NE 1/4 of NE 1/4; Section 19: N 1/2 of NW 1/4; NE 1/4; E 1/2 of SE 1/4; Section 20: All; Section 21: NW 1/4; SW 1/4; N 1/2 of NE 1/4; S 1/2 of SE 1/4; Section 22: N 1/2 of NW 1/4; Section 28: All; Section 29: All; Section 30: SE 1/4; NE 1/4; E 1/2 of NW 1/4; E 1/2 of SW 1/4; Section 31: SE 1/4; NE 1/4; E 1/2 of NW 1/4; E 1/2 of SW 1/4; Section 32: All; Section 33: All; Section 34: NW 1/4; SW 1/4; W 1/2 of NE 1/4; W 1/2 of SE 1/4.

Township 16 South, Range 10 West

Section 4: NE 1/4; NW 1/4; Section 5: NE 1/4; N 1/2 of NW 1/4; Section 6: N 1/2 of NE 1/4; NE 1/4 of NW 1/4.

(12) "Management Area" means The Tom Bevill Reservoir Management Area.

(13) "Land use certificate" means a written document certifying that a regulated project or activity is in compliance with applicable ordinances. It shall be obtained from the planning commission in accordance with adopted administrative procedures for obtaining such certificate.

Section 2. In the interest of unified development and protection, there is hereby created and established The Tom Bevill Reservoir Management Area in Fayette County for the purposes of water conservation and supply, dam construction and reservoir development, industrial development, navigation, flood control, irrigation, public recreation and related purposes. There is hereby authorized, and shall be established as hereinafter provided, a development authority for the lands included in The Tom Bevill Reservoir Management Area. The authority, when incorporated in accordance herewith, shall be a public corporation and a political subdivision of the state of Alabama, composed of a board of directors selected and empowered as hereinafter provided.

Section 3. (a) The Tom Bevill Reservoir Management Area Authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its organization. The board of directors of the authority shall consist of five members, designated herein as directors, as follows:

(1) One member who shall be the Fayette County commission chairman;

(2) One member who shall be that person appointed to the Fayette County Water Coordinating and Fire Prevention Authority by the chairman of the water authorities in Fayette County;

(3) One member appointed by the state senator representing Fayette County;

(4) One member appointed by the member of the state house of representatives representing Fayette County; and

(5) One member who shall be the judge of probate of Fayette County whose term as a director shall be concurrent with his term as judge of probate.

(b) Those members of the board of directors appointed by the senator and representative shall be persons who are residents of Fayette County and who are owners of real property within the area designated as The Tom Bevill Reservoir Management Area. Such members shall be appointed within 45 days after the effective date of this act. Said initial term shall expire on January 1, 1994. Upon the expiration of said initial terms, said appointed directors shall serve a term of three years and vacancies shall be filled by the respective appointing authority who made the initial appointment.

Section 4. (a) To become a corporation, the persons who are designated to become members of the initial board of directors of the authority, as provided in Section 3 of this act, shall present to the judge of probate of Fayette County, a certificate of incorporation signed by them which shall contain:

(1) The name and official residence of each of the said persons;

(2) The term of office of each of the said persons as such directors;

(3) The name of the proposed corporation which shall be The Tom Bevill Reservoir Management Area Authority;

(4) A concise legal description of the areas included in The Tom Bevill Reservoir Management Area;

(5) The location of the principal office of the proposed corporation which shall be in Fayette County; and

(6) Any other matter relating to the incorporation that the said persons may choose to insert and which is not inconsistent with this act or the laws of the state of Alabama.

(b) The certificate of incorporation shall be accompanied by:

(1) A certificate by the clerk of the governing body of Fayette County, which certificate shall set forth the date on which the term of office of each member of such governing body expires;

(2) A certificate by the clerk of the governing body of Fayette County, which certificate shall set forth the date on which the term of office of the judge of probate expires;

(3) A certified statement from each appointing authority appointing a director; and

(4) The certificate of incorporation shall be subscribed and sworn to by each of the said persons before an office authorized by the laws of this state to take acknowledgments to deeds.

(c) The judge of probate shall examine the certificate of incorporation presented to him and if he finds that it substantially complies with the requirements of this section, he shall receive and file it, and shall record it in an appropriate book of records in his office. When the certificate of incorporation has been made, presented, filed and recorded as herein provided, the said persons shall constitute a public corporation under the aforesaid name, and the authority shall thereupon come into existence. There shall be no fees paid to the judge of probate for any work done in connection with the incorporation provided in this section.

Section 5. As soon as may be practicable after completion of the incorporation as provided in Sections 3 and 4 of this act, the board of directors shall hold their first meeting at Fayette, Alabama, elect a chairman, vice-chairman, and secretary-treasurer, set a regular time and place for meetings of the board, and attend to such other matters as may be appropriate. The chairman, vice-chairman and secretary-treasurer shall be elected from the membership of the board.

(1) Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the authority. The Fayette County commission shall provide office space and staff for the authority.

(2) The quorum necessary for the board of directors to hold valid meetings and to take valid action or transact business shall be four members.

Section 6. (a) The general powers, duties, and functions of the authority shall be as follows:

- (1) Shall have perpetual succession in its corporate name;
 - (2) May sue and be sued in its corporate name;
 - (3) May adopt, use, and alter a corporate seal, which shall be judicially noticed;
 - (4) May enter into such contracts and cooperative agreements with federal, state, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this act;
 - (5) May adopt, amend, and repeal by-laws; and
 - (6) May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employees to be paid out of such funds as may be available to the authority from any source.
- (b) The authority may institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that the authority may not be sued or subjected to a counterclaim, cross-claim, setoff or recoupment in any court other than the courts of Fayette County, Alabama; and provided, further, that the officers, directors, agents and employees of the authority may not be sued or subjected to a counterclaim, cross-claim, setoff or recoupment for actions in behalf of the authority in any court other than the courts of Fayette County, Alabama. No claim or cause of action, based wholly or in part upon allegations which call into question the validity of the authority, shall be heard or adjudicated in any court other than the courts of Fayette County, Alabama.

Section 7. The authority is authorized to:

- (1) Investigate the resources of The Tom Bevill Reservoir Management Area and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area;
- (2) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development;
- (3) Provide for the construction of water control structures, channel improvements, and other facilities for water conservation

and supply, industrial development, navigation, drainage, irrigation, recreation and related purposes, as a part of comprehensive plans;

(4) Arrange with the state and with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; and

(5) In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the purpose of obtaining such loans, grants, or other assistance.

Section 8. The authority may acquire by purchase, construction, lease, gift, condemnation or otherwise, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands, rights in land, including leaseholds and easements, and water rights in The Tom Bevill Reservoir Management Area that the board determines to be necessary to the control and optimum development of The Tom Bevill Reservoir Management Area, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of, water conservation and supply, flood control, irrigation, navigation, industrial development, public recreation and related purposes. The amount and character of the interest in land, rights in land, and water rights to be acquired in such area shall be determined by the board of directors, and its determination shall be conclusive. The authority's power of eminent domain may be exercised under Title 18 of the Code of Alabama 1975, or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The authority is expressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land within The Tom Bevill Reservoir Management Area that it determines to be suitable for industrial and/or recreational uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial and/or recreational development and for the increase of industrial employment opportunities.

Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

Section 9. The authority may:

(1) Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities, and other public agencies, or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the authority may be in a position to supply;

(2) Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or vendees of shoreline lands;

(3) Sell or lease shoreline lands, or any interest therein, in connection with development of the reservoir system, for uses consistent with the authority's development plan and subject to such restrictions as the authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities shall be undertaken as the authority deems appropriate to its overall development plan;

(4) Acquire or operate shoreline lands of reservoirs owned by The Tom Bevell Reservoir Management Area Authority;

(5) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area;

(6) Make and enforce reasonable rules and regulations governing the use of any facilities and other property owned, controlled or operated by the authority;

(7) Provide for such insurance as the board may deem advisable; and

(8) Fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the authority may be in a position to supply.

Section 10. The authority may:

(1) Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the authority or out of the revenues of any particular facilities and other property of the authority; and

(2) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the authority from any source, by a mortgage or deed of trust covering the authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the authority shall be solely and exclusively obligations of the authority and shall not create an obligation or debt of the state or of any county or municipality.

Section 11. All revenues arising from this section shall be deposited to The Tom Bevill Reservoir Management Area Authority general fund. The provisions of this section shall apply only to The Tom Bevill Reservoir Management Area.

(1) There is hereby levied in the incorporated area of The Tom Bevill Reservoir Management Area an additional two-cents sales and use tax paralleling the state sales and use tax, as defined in sections 40-23-1 through 40-23-5 and 40-23-60 through 40-23-63 of the Code of Alabama 1975. The proceeds of the taxes provided herein shall be collected by the state department of revenue. The department shall charge The Tom Bevill Reservoir Management Area Authority for collecting the taxes in such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and The Tom Bevill Reservoir Management Area Authority, but such charge shall not exceed five percent of the total amount collected hereunder. All provisions of the state sales and use tax statutes with respect to exemptions, payment, assessment and collection of the state sales and use taxes, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to comply with the statutes, the promulgation of rules and regulations with respect to the state sales and use tax statutes which are not inconsistent with this act shall apply. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the management area taxes as are imposed on the commissioner and the department, respectively, by the sales and use tax statutes.

(2) Within The Tom Bevill Reservoir Management Area, in addition to all other taxes heretofore levied, there is hereby levied and imposed an additional ad valorem tax in the amount of 10 mills on each dollar of taxable real and personal property. The additional ad valorem tax imposed by this act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected by the revenue commissioner of Fayette County.

(3) On retail sales within The Tom Bevill Reservoir Management Area, there is hereby imposed an excise tax on the retail sale of gasoline and motor fuels in the amount of two cents (\$.02) per

gallon in addition to all other taxes imposed by law. Such excise tax is to be collected on the retail sale of gasoline and motor fuels sold to end users. Said tax shall be collected by the distributor or retail dealer and paid to The Tom Beville Reservoir Management Area Authority general fund, the intention being that the tax be paid but once. The additional excise tax imposed by this act shall be collected and paid at the same time and in the same manner as existing gasoline and motor fuel excise taxes are collected.

Section 12. For the purpose of promoting the health, safety, morals, convenience, environment order, prosperity, and general welfare, all power and authority regarding zoning and planning within the management area is hereby vested in the board of directors of the authority. As described herein, no regulated activity shall commence without the applicant having first obtained a land use certificate as issued by the authority.

(1) The board is authorized to regulate the planning, zoning and construction within the management area of all activity involving public streets, public roads, subdivisions, drainage structures in subdivisions, mobile home parks, residential and commercial developments, apartments, recreation parks, coal mining, gas/oil and methane exploration and development, excavation and logging. The board is hereby authorized to adopt and enforce such ordinances as shall be necessary to implement any development plans approved by the board.

(2) The board may assess the developer of any real property within its jurisdiction a uniform development privilege fee. Any such fees to be deposited to the general fund of the board and used for the general administration of the board.

(3) It shall be the function and duty of the board to make and maintain in an up-to-date manner a master plan and to adopt appropriate zoning, management, and development regulations for the physical development of the area within The Tom Beville Reservoir Management Area. The board may from time to time amend, extend, delete, or add to the plan of regulations. Nothing in this act shall be construed to impair the right of eminent domain conferred on public utilities, or their right to construct, use and maintain structures reasonably required in the public service or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses, easements or conveyances.

(4) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any subdivision is established, or land used in violation of this enactment or of any regulation made under the authority conferred hereby, the attorney of record for the authority, or other appropriate administrative officer of the authority shall institute any appropriate action or

proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land, or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision of land or to prevent any illegal act, conduct, business, or misuses in or upon any premises regulated under the authority conferred by this act.

(5) The authority under this act shall not conflict with the present or future regulations or policies of the state and county health departments. However, all applications or proposals for disposal of sewage, industrial, chemical, and/or hazardous wastes, regardless of the size of the system or systems, shall be submitted in duplicate to the authority, or its representative. After a reasonable and detailed review, the authority may deny such application if it deems the proposal adverse to health and environmental safety.

Section 13. (a) Rates, fees and charges for services rendered by the authority from any of its facilities shall be fixed and from time to time revised by the authority; provided, that such rates, fees and charges shall be so fixed as at all times to provide funds at least sufficient:

(1) To pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered;

(2) To pay the principal of and the interest on all bonds issued and obligations assumed by it, the authority, that are payable out of the revenues derived from the operation of those facilities, as the said principal and interest become due and payable;

(3) To create and maintain such reserves for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property; and

(4) To make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states as the authority may have contracted to make.

(b) Any schedule or schedules of rates and other charges adopted by the board:

(1) May provide for the rendition by the authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities;

(2) May permit the authority to decline to accept payment of charges for service from any of its said facilities, without payment of charges for service at the same premises from any one or more of its other facilities;

(3) May provide for discontinuance of service from any or all of its facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the authority;

(4) May provide for the payment of connection fees, disconnection fees, and reconnection fees; and

(5) May require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the authority shall not be obligated to pay or allow interest.

Section 14. All bonds issued by the authority shall be signed by the chairman of its board of directors and attested by its secretary-treasurer, and the seal of the authority shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the said chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board of directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the authority at any time, and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the board. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds and other securities issued or obligations assumed by the authority may thereafter at any time, whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest, and from time to time be refunded by the issuance of refunding bonds of the authority, which may be sold by the authority at public or private sale at such price or prices as may be determined by the board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The

authority may pay all expenses, premiums and commissions which the board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the authority. All bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues of the authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all facilities owned by the authority, or solely out of the revenues from the operation of any part of such facilities, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities and other property of the authority. The authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities and other property, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the authority may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 15. As security for payment of the principal of and interest on bonds issued or obligations assumed by it, the authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds or other funds, for the continued operation and maintenance of any facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such facilities, maintain the same in

good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board of directors authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the authority.

Section 16. Any resolution of the board of directors, or trust indenture, under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the facilities and other property, including any after-acquired property, out of the revenues from which such bonds are made payable. The said resolution of the board of directors, or the said trust indenture, may provide for the filing for record in the office of the judge of probate of Fayette County of a notice containing a brief description of such facilities or other property, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such facilities and other property, including any additions thereto and extensions thereof. The judge of probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 17. All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to:

(1) The fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds;

(2) In the case of bonds issued to pay costs of construction, interest on such bonds, or if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs, prior to and during such construction and for not exceeding one year after completion of such construction; and

(3) In the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the authority, any premium that it may be

necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 18. The authority, its income, the property of the authority while owned by it, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority, and leases, mortgages, and deeds of trust by or to the authority shall be exempt from all taxation in the state of Alabama. The authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate or the secretary of state in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. No license or excise tax may be imposed on the authority in respect of the privilege of engaging in any of the activities authorized by this act.

Section 19. Fayette County and the municipalities therein are hereby authorized and empowered to contribute to the authority any amount or amounts of money, either with or without consideration therefor, that their respective governing bodies, acting in their sole discretion without the necessity of authorization at any election of qualified electors, shall approve to be paid from the general fund of the county or municipality. The governing bodies of Fayette County or the municipalities are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

Section 20. This act is intended to aid the state of Alabama in the execution of its duties by providing an appropriate and independent political subdivision of the state with full and adequate powers to fulfill the functions herein authorized. No proceeding, notice or approval shall be required for the incorporation of the authority or the amendment of its certificate of incorporation, the acquisition of any property or facilities, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The authority, its facilities and other property, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the public service commission. Neither a public hearing nor the consent of the state department of finance shall be prerequisite to the issuance of bonds by the authority.

Section 21. The authority is hereby authorized to use the rights-of-way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of any county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to exempt the authority from the requirements

of section 23-1-4 of the Code of Alabama 1975; and provided, further, that the authority shall have the duty to restore at its expense all roads, highways and public rights-of-way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 22. The board of directors of the authority shall annually make available a report to the governing body of Fayette County and the incorporated municipalities therein. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 23. All agencies of the state are hereby authorized and directed to extend their cooperation and lend assistance to the authority in the formulation and implementation of its development program.

Section 24. For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the board of directors may establish an advisory board consisting of the chairman of the board of directors of the authority, who shall be chairman of the advisory board, and of sufficient members to represent adequately so far as feasible, industry, commerce, agriculture, recreation, the general public, any official planning and developmental bodies in the area, and organized citizens groups working for the development of The Tom Beville Reservoir Management Area.

Section 25. This act shall be considered supplemental and additional to any and all other laws and confers sufficient power in and of itself for the purposes set forth herein. This act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of The Tom Beville Reservoir Management Area. This act shall be self-executing.

Section 26. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor, and upon the passage and approval of a constitutional amendment authorizing the creation of The Tom Beville Reservoir Management Area Authority.

Approved July 18, 1991

Time: 3:53 P.M.

Act No. 91-278

H. 620 — Rep. Morrow

AN ACT

Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of revenues from fees assessed on transactions of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) is hereby amended to read as follows:

“Section 1. In order that Franklin County might be able to purchase and maintain a unified and modern computerized system for county records, the proceeds from that fee prescribed in Section 40-4-5 of the Code of Alabama 1975, to be limited to \$1.35 per transaction, on transactions performed by the county tax assessor shall be distributed annually as follows:

“(a) The first 35 cents of such proceeds shall go into the county general fund for the needs as determined by the County Commission;

“(b) \$6,000.00 of the remaining proceeds shall go to the tax assessor as an expense allowance for performing the duties of such office; to be paid in equal monthly installments;

“(c) The next \$9,000.00 of such proceeds shall be deposited in the county general fund;

“(d) The next \$12,000.00 of such proceeds shall be used for the upkeep and maintenance of said computer system, and thereafter; and

“(e) The remainder of any and all such funds shall remain in the county general fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:54 P.M.

Act No. 91-279

H. 663 — Rep. Blakeney

AN ACT

Relating to Marengo County; repealing Act No. 85-467, H. 715, 1985 Regular Session, which provides for an assessment on forest lands for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, Act No. 85-467, H. 715, 1985 Regular Session, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:55 P.M.

Act No. 91-280

H. 679 — Reps. Turnham, Higginbotham

AN ACT

Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the county tax collecting official for the collection of same; and to provide for penalties for failure to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, there is hereby levied a privilege license fee of ten cents (\$.10) on the rental of each video cassette in the county. This fee is in addition to all other taxes heretofore levied.

Section 2. Each person, firm, partnership, corporation or other business venture which rents video cassettes shall report the rentals thereof each month on a form provided by the county tax collecting official and pay the fees to the county tax collecting official in the same method and manner as prescribed in Article 1 of Title 40, Code of Alabama 1975, as last amended. It is intended that this levy shall be on the consumer and the renter of such video cassettes is acting as the agent for the county in collecting and reporting these fees.

Section 3. The receipts of said fees shall be deposited into the county general fund.

Section 4. Anyone who shall fail to report or remit said fees when due shall be subject to the penalties prescribed in sections 40-23-11, et seq., Code of Alabama 1975.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the first month following the conclusion of a minimum thirty-day time period from its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:56 P.M.

Act No. 91-281

H. 725 — Rep. Layson

AN ACT

Relating to Pickens County; providing that the Pickens County Commission may establish and adopt voting centers by resolution.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, the County Commission is hereby empowered and authorized to establish, by resolution, voting centers by combining voters from two or more precincts in order to create a voting center, in order to facilitate or reduce costs for elections.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:57 P.M.

Act No. 91-282

H. 754 — Rep. Dolbare

AN ACT

Relating to Washington County; providing further for an expense allowance for members of the County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, each member of the County Commission is hereby entitled to receive an expense allowance in the amount of \$5,000.00 per year. The expense allowance provided by

this act shall be in addition to any and all other compensation and expense allowances heretofore provided by law and shall be payable in equal monthly installments out of the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:58 P.M.

Act No. 91-283

H. 169 — Reps. Kennedy, Buskey (JF),
Clark (W), Zoghby

AN ACT

Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, as amended by Act No. 82-781 of the Alabama Legislature, Second Special Session, 1982, is hereby amended so that the said Section 7 shall read as follows:

“Section 7. (a) Board of Directors. Each authority shall be governed by a Board of Directors. All powers of the authority shall be exercised by the board pursuant to its authorization. The board shall consist of six (6) directors. Each director shall be elected by the governing body of the authorizing municipality. The initial term of office of three (3) of the directors elected by the governing body of the authorizing municipality shall begin immediately upon their election and shall end at 12:01 o'clock A.M., on the 2nd anniversary of the date of the filing for record of the Certificate of Incorporation of the authority. The initial term of office of the remaining directors elected by the governing body of the municipality shall begin immediately upon their election and shall end at 12:01 o'clock A.M. on the 4th anniversary date of such filing. Thereafter, the term of office of each such director shall be six (6) years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the authorizing

municipality. Each election of a director, whether for a full term or to complete any unexpired term, shall be made not earlier than thirty (30) days prior to the date on which such director is to take office as such. No officer or employee of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director. Each director must be a duly qualified elector of the authorizing municipality. Directors shall be eligible for re-election. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

“(b) Each director shall be reimbursed for any and expenses for out-of-county travel actually incurred by him in and about the performance of his duties. Each director except the chairman of the board shall be compensated in an additional amount of \$500.00 per month. The chairman shall be compensated in the amount of \$600.00 per month.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 3:59 P.M.

Act No. 91-284

H. 856 — Rep. Harper

AN ACT

Relating to Mobile County; changing the name of Mobile County High School.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, Mobile County High School shall henceforth be officially named and called Grand Bay High School. This act in no manner shall alter the powers, duties, property, personnel, function or liability of said school. Provided, however, that those office supplies which bear the present letterhead of such school shall continue to be used, without regard to the change herein prescribed, until such supplies need reordering at

which time such replacements therefor shall reflect said school's new official name.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:00 P.M.

Act No. 91-285

H. 576 — Rep. Black (M)

AN ACT

Relating to Colbert County and particular portions thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to those portions of Colbert County located outside the corporate boundaries of the cities of Tuscumbia, Sheffield and Muscle Shoals.

Section 2. The legislature hereby declares that volunteer fire departments that receive funds pursuant to this act are organizations which are public in nature, as they protect the health, safety and welfare of the citizens of the county.

Section 3. There is hereby levied on the owner of each dwelling located in those portions of Colbert County located outside the corporate boundaries of the cities of Tuscumbia, Sheffield and Muscle Shoals a fire protection service fee of thirty dollars (\$30.00) per year.

For the purposes of this act a "dwelling" shall be defined as any building, structure or other improvement to real property used or expected to be used as a dwelling or residence for one or more human beings, including specifically and without limiting the generality of the foregoing, (a) any such building, structure or improvement assessed, for purposes of state and county ad valorem taxation, as "Class III" single-family owner-occupied residential property, (b) a duplex or an apartment building, and (c) any mobile home or house trailer. Any such building, structure or other improvement shall be classified as a "dwelling" for purposes of this act notwithstanding:

(1) That it is wholly or partially vacant or uninhabited at any time during the year for which a fire protection service fee with respect thereto is or is to be levied; or

(2) That it is also used or expected to be used simultaneously for a purpose (whether or not commercial in nature) other than as a dwelling or residence as aforesaid.

Said fee shall in no manner be construed as a tax on property. Said fee shall be levied for the purpose of funding fire protection services to dwellings under the purview of this act.

Any person who is 65 years of age or older having a net annual taxable income of \$7,500.00 or less, as shown on such person's and spouse's latest United States income tax return shall be exempted from paying the fee levied by this act. In the event that such person and spouse are not required to file a United States income tax return, then an affidavit indicating that the net taxable income of such person and spouse for the preceding taxable year was \$7,500.00 or less shall be sufficient proof. Proof of age shall be furnished when the exemption provided herein is claimed.

Section 4. The fire protection service fee shall be collected, administered and enforced as closely as possible at the same time, in the same manner, and under the same requirements and laws as are the ad valorem taxes of the state. The proceeds of said fee shall be paid into a special county fund. Within thirty days of payment into the special fund, the county commission shall divide said funds equally among all eligible volunteer fire departments. The county commission may establish rules and procedures regarding the transfer, investing, accounting and handling of said funds.

Section 5. An eligible volunteer fire department, for the purposes of this act, shall mean a volunteer fire department located in Colbert County that is certified under the Alabama Forestry Commission guidelines and is approved by the Colbert County Commission.

Section 6. Funds paid to eligible volunteer fire departments shall only be expended for fire protection and emergency medical services, including training, supplies and equipment. Said funds may also be expended to purchase liability insurance to insure coverage of acts or omission which are directly related to the functions of a volunteer fire department which are committed by a volunteer fire department and/or the personnel of a volunteer fire department. Said funds may not be expended for salaries, food, drink, social activities or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, the department shall file a form with the county commission detailing the expenditure of all funds during the previous twelve

months. Said filing shall also account for all unspent funds and whether said unspent funds have been obligated. The county commission shall supply the accounting forms to each eligible volunteer fire department.

Section 7. Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds derived from this act or any assets purchased with funds derived from this act shall, after all indebtedness has been satisfied, be transferred to the county commission. Said funds and assets shall be reallocated by the county commission to other volunteer fire departments. In the event there are no volunteer fire departments, the funds or assets shall be placed in the county general fund.

Section 8. The personnel of volunteer fire departments provided for in this act shall not be considered as employees, servants or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of said personnel of volunteer fire departments.

Section 9. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of those portions of Colbert County located outside the corporate limits of the cities of Tuscumbia, Sheffield and Muscle Shoals who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the constitution, and shall be held on the same day as the next general, primary or special election following final passage of this act. Notice of election shall be given by the judge of probate of Colbert County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the levy of a fire protection service fee which shall be used to fund volunteer fire departments?

Yes ____ No ____.”

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Colbert County shall certify the results of the election to the secretary of state. The cost of the election shall be paid out of the county general fund.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:01 P.M.

Act No. 91-286

H. 746 — Reps. Kennedy, Zoghby,
Buskey (JE), Clark (W)

AN ACT

To repeal Act No. 81-446, H. 679, 1981 Regular Session, entitled, "An Act Relating to Mobile County; to provide further for the compensation of election employees and officers," to repeal Act No. 85-694, H. 954, 1985 Regular Session, and to provide further for the compensation of election employees and officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, the compensation of the election officers holding general, special, primary and municipal elections shall be seventy-five dollars (\$75.00) per day for inspectors, sixty-five dollars (\$65.00) per day for chief clerks or deputy inspectors, and sixty dollars (\$60.00) per day for the other election officers. The county treasury and, when appropriate, the treasuries of the various municipalities within the county shall pay such amounts necessary, when combined with any amount payable by the state, which will total the amounts hereinabove provided. The amounts herein provided shall constitute the total compensation payable to such officers, in lieu of any other provided by law. The returning officer shall be entitled to mileage allowance according to law in addition to the compensation herein provided.

Section 2. The provisions of the act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 81-446, H. 679, 1981 Regular Session and Act No. 85-694, H. 954, 1985 Regular Session are hereby expressly repealed. All other laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:02 P.M.

Act No. 91-287

H. 846 — Reps. Clark (W), Buskey (JE)

AN ACT

Relating to the City of Prichard, Mobile County, and the pension and retirement fund for such city; amending further SECTION XII of Act No. 235, H. 290, 1963 Regular Session, as last amended, relating to the payment eligibility and the formula therefor of certain retirees, so as to provide for such eligibility.

Be It Enacted by the Legislature of Alabama:

Section 1. SECTION XII of Act No. 235, H. 290, 1963 Regular Session, as amended, is hereby amended to read as follows:

“SECTION XII. Any employee of the City of Prichard who has been in the service thereof for as long as twenty-five (25) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the city council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability be retired from service of the City of Prichard and upon such retirement the said council shall direct the payment to said retiring employee monthly from such fund, a sum equal to fifty-five percent (55%) of the monthly compensation received by such employee as salary or other compensation at the time of his or her retirement, or an amount equal to fifty-five percent (55%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater, multiplied by the percentages applicable from the table below:

“Years Service	Percentage
25	55
26	56
27	57
28	58
29	59
30	60

“Provided that the percentage shall increase 1% for each year of service over 30 years. Any employee of the City of Prichard who has been in the service thereof for as long as thirty (30) years or longer, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the city council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability, be retired from service from such city and upon such retirement, the said council shall direct the payment to such retiring employee

monthly from such fund, a sum equal to sixty percent (60%) of the monthly compensation received by such employee as salary or compensation at the time of his or her retirement, or an amount equal to sixty percent (60%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater.

“With regard to any years of service prior to a break in service of the employee, which are included in the computation of the total service of an employee under the terms of this section, on account of which years the employee had withdrawn the one-half (1/2) of his own contributions to which he would have been entitled under SECTION XXI hereof, no such years will be credited to the employee in the computation of his or her pension until he or she has repaid to the fund the amount of his or her contributions previously withdrawn plus compound interest at four percent (4%) per annum, from the date of the withdrawal to the date of his or her retirement.

“At the time an across-the-board raise is given to the city employee of the City of Prichard, future retirees shall be entitled to fifty percent (50%) of the raise given to active city employees.

“Whenever an active employee of the City of Prichard, or a former employee of the City of Prichard retired under the terms of this act shall die while so employed or enjoying the benefits of such pension, there shall be appropriated and paid from the fund the sum of two hundred and fifty dollars (\$250.00) for funeral and burial expenses of such decedent, which such sum shall be used for funeral and burial expenses and paid out on order of the head of the department of which such decedent was a member, or on order of the city council of the City of Prichard, Alabama.

“Notwithstanding any provision of this act to the contrary, any participating employee, regardless of age, shall be able to retire and receive full benefits as provided in this SECTION XII, upon twenty-five years of service and participation in the fund.

“The city council of the City of Prichard is hereby authorized to promulgate regulations to allow elected officials of the city to participate in the pension and retirement fund for the city.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:03 P.M.

Act No. 91-288

H. 577 — Rep. Laird

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Wedowee in Randolph County are hereby altered, rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included, all of the following territory, to wit:

Commence at the SW corner of the NE1/4 of the NW1/4 of Section 14, T20S, R11E in Randolph County, Alabama, this being the point of beginning; thence run N1 degrees 30'E a distance of 555 feet to a point; thence run N73 degrees 00'E a distance of 96 feet to a Right of Way Marker on the Southwest Right of Way of U. S. Highway No. 431; thence run S33 degrees 00'E along said R.O.W. a distance of 1488 feet to a point on said R.O.W. and in the center of a large ditch; thence run S23 degrees 00'W along the approximate center of ditch a distance of 345 feet; thence run S56 degrees 00'W along the approximate center of said ditch a distance of 75 feet; thence run S61 degrees 30'W a distance of 1317.5 feet to a point; thence run N1 degrees 30'E a distance of 298 feet to a point; thence run S88 degrees 30'W a distance of 700 feet to a point; thence run N1 degrees 30'E a distance of 524 feet to a point; thence run N88 degrees 30'E a distance of 700 feet to a point; thence run N1 degrees 30'E a distance of 681 feet to a point where a fence curves to the Northeast; thence run in a Northeasterly direction along a curve and a fence line a distance of 96 feet to a point; thence run N82 degrees 30'E a distance of 330 feet to the point of beginning. This land being and lying in Section 14, T20S, R11E in Randolph County, Alabama and containing 47.04 acres, more or less.

Section 2. A map showing the territory proposed to be annexed to the Town of Wedowee shall be on file and available to the public during business hours in the office of the Judge of Probate of Randolph County in accordance with Section 11-42-6(b) Code of Alabama 1975, as amended.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:04 P.M.

Act No. 91-289

H. 669 — Rep. Bryant

AN ACT

Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, Act No. 80-492, H. 1040, 1980 Regular Session, as amended, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:05 P.M.

Act No. 91-290

H. 670 — Rep. Smith (C)

AN ACT

Relating to Bibb County; repealing Act No. 772, H. 1708, 1973 Regular Session, which provides for an assessment on forest lands for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County, Act No. 772, H. 1708, 1973 Regular Session, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:06 P.M.

Act No. 91-291

H. 716 — Reps. Fuller, Laird

AN ACT

Relating to Chambers County; amending Act No. 475, H. 304, 1973 Regular Session, which established the county commission, so as to provide further for the meetings of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, Act No. 475, H. 304, 1973 Regular Session, is hereby amended to read as follows:

“Section 3. The Chambers County Commission shall have all of the jurisdiction and powers which are, or which hereafter may be vested in County Commissions, Boards of Revenue, or other like governing bodies of the state by general law, or in the governing body of any such county by local law. The County Commission shall meet at least two times in each calendar month, and at the first meeting of each year shall elect a chairman from their number who shall serve as such for a one year term.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:07 P.M.

Act No. 91-292

H. 717 — Reps. Fuller, Laird

AN ACT

Relating to Chambers County; amending Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), providing for the mileage allowance of the county coroner, so as to make a monthly payment in lieu of such mileage payable from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), is hereby amended to read as follows:

“Section 1. The coroner of Chambers County shall receive a monthly travel allowance of \$250.00 each month, in lieu of any mileage allowance heretofore prescribed by law, and such allowance shall be payable from the county general fund.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall become effective May 1, 1991.

Approved July 18, 1991

Time: 4:08 P.M.

Act No. 91-293

H. 719 — Rep. Lindsey

AN ACT

Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, Act No. 81-139, H. 576, 1981 Regular Session, as amended, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:09 P.M.

Act No. 91-294

H. 728 — Rep. Richardson

AN ACT

To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), is hereby amended to read as follows:

“Section 1. (a) There is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Jackson County, a county privilege, license or excise tax up to the following amounts:

(1) Five cents for each package of cigarettes, made of tobacco or any substitute therefor;

(2) Fifteen cents for each package of tobacco paper, both gummed and ungummed;

(3) Five cents for each package of smoking tobacco, chewing tobacco, little cigars, snuff and other like packaged tobacco products; and

(4) One cent for each cigar of any description made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar."

(b) The state department of revenue is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations for the administration and enforcement of the taxes levied by this act and the provisions of Chapter 25 of Title 40 of the Code of Alabama 1975, not in conflict with the specific provisions of this act.

Section 2. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:10 P.M.

Act No. 91-295

H. 751 — Reps. Powell, Smith (C)

AN ACT

Relating to Chilton County; authorizing the county commission to levy in such county of an additional privilege or license tax, paralleling the state sales tax provided for in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act and providing for an election with respect to such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, shall, where used in this act, have the meanings respectively ascribed to them in said Article 1 except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, which levies a retail sales tax for state purposes, and includes all statutes, heretofore enacted, which

expressly set forth any exemptions from the computation of the tax levied in said Article 1 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Article 1 and the incidence and collection of the tax imposed therein;

“State sales tax” means the tax imposed by the state sales tax statutes;

“Month” means a calendar month; and

“Fiscal year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. The county commission is hereby authorized, in its discretion, to levy and impose in Chilton County, in addition to all other taxes of every kind now imposed by law, a county privilege or license tax to be determined by the application of rates against gross sales or gross receipts as the case may be, as follows:

(a) Upon every person, firm or corporation (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within Chilton County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks, nor sales of materials and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to one percent of the gross proceeds of sales of the business except when a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged or continuing within Chilton County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games

(including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, or county, or municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Chilton County, an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within Chilton County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of personal property, an amount equal to one-fourth of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within Chilton County in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto, an amount equal to one-fourth of one percent of the gross receipts of sale of said automotive vehicle or truck trailer, semitrailer or house trailer, or mobile home set-up materials and supplies; provided, that where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every business, firm or corporation engaged or continuing within Chilton County in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to one percent of the cost of such food, food products and beverages sold through such machines, which cost for the

purpose of this subsection shall be the gross proceeds of sales of such business.

(f) There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. The tax authorized to be levied in Section 2, subsections (a), (b), (c), (d), and (e) of this act, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. All tax levied pursuant to this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax. On or prior to the due dates of the tax levied pursuant to this act, each person subject to such tax shall file with the state department of revenue a report in such form as may be prescribed by the said department, setting forth, with respect to all sales and business that are provided in Section 2, subsections (a), (b), (c), (d), and (e) hereof to be used as a measurement of the tax authorized to be levied in said Section 2, subsections (a), (b), (c), (d), and (e); provided, however, that said report shall include also such other items of information pertinent to the said tax in the amount thereof as the state department of revenue may require. Any person subject to the tax authorized to be levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the chairman of the governing body of Chilton County, or his designated agent, at reasonable times during business hours.

Section 4. Each person engaging or continuing within Chilton County in a business subject to the tax authorized to be levied in Section 2 of this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said tax. It shall be unlawful for any person subject to the said tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or

advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 5. The said tax shall constitute a debt due Chilton County and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the tax herein authorized to be levied, and the state department of revenue, for the use and benefit of Chilton County, shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the said department has for collection of the state sales tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax authorized to be levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the said department shall pay said special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it for Chilton County.

Section 6. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, including discounts to licensees, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax authorized to be levied in Section 2 hereof shall apply to the said tax. The state commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the said tax that are imposed on the commissioner and the department, respectively, by the state sales tax statutes. All provisions of the state sales tax statutes that are made applicable in this act to the tax herein authorized to be levied and to the administration of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 7. The state department of revenue shall charge Chilton County for collecting the special tax herein authorized to be levied, which charge shall not exceed five percent of the amount

collected. Such charge may be deducted once each month from the special tax collected before certifying the amount of the tax due Chilton County. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such tax moneys are received by the department of revenue; and on or before the tenth day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder), the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Chilton County during the month immediately preceding the making of such certificate; provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Chilton County during each month, the commissioner may deduct from the tax collected in said month the charges due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to Chilton County in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of Chilton County and paid into the state treasury.

Section 8. Proceeds received by Chilton County from the tax herein authorized to be levied shall be used as follows: twenty-five percent of the said proceeds shall be used to pay the costs of acquiring, constructing, providing, equipping, operating and maintaining jail facilities in the county and for other law enforcement purposes, all as may be directed by the governing body of Chilton County; and seventy-five percent of the said proceeds shall be used to pay the costs of acquiring, providing, constructing, maintaining and improving public roads and bridges in the county, all as may be directed by the governing body of Chilton County.

Section 9. The governing body of Chilton County shall call and provide for an election on the question of whether or not the tax herein provided for shall be levied. Notice of the election shall be given by the governing body of Chilton County by publication in a newspaper of general circulation in the county for four consecutive weeks, the first publication being not more than forty-five nor less than thirty days before the day set for the election. The question to be submitted at the election shall be: "Do you favor the levy and collection of the gross receipts (or sales) tax authorized to be levied for a period not greater than ten (10) years by Act No. ____ , H.B.____ , of the 1991 Regular Session, the proceeds of which are to be used as follows: twenty-five percent (25%) of the said proceeds to pay costs related to jail facilities in the county and for other law enforcement purposes and seventy-five percent (75%) of the said proceeds to pay costs related to public roads and bridges in the County? Yes () No ()" The election shall be held and

conducted in the same manner provided by law for holding other county elections and the cost of the election shall be paid by Chilton County. If a majority of the registered voters participating in the election approve the tax herein provided for, such tax may be levied by the governing body of Chilton County effective on the first day or on the fifteenth day of the next following month; provided, however, that such tax may not be levied for a period greater than ten years commencing with the date of the first levy and collection. If a majority of the registered voters participating in the said election disapprove of the levy herein provided for, no levy of any tax shall be made under this act.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:11 P.M.

Act No. 91-296

H. 755 — Reps. Rich, McDaniel

AN ACT

Relating to Marshall County, amending Act No. 82-206, H. 623, 1982 Regular Session, which establishes a civil service system for county employees, so as to remove certain employees from the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 82-206, H. 623, 1982 Regular Session, is hereby amended to read as follows:

“Section 3. The provisions of this act shall apply to all officials and employees in the service of the County or any board paid by the Marshall County Commission, agency or instrumentality thereof except: (a) persons holding elective offices; (b) members of appointive boards, commissions and committees; (c) all employees of the County Board of Education; (d) independent contractors; (e) any person whose employment is subject to the approval of the United States Government or any agency thereof; and (f) all employees of the Marshall County Health Care Authority.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:12 P.M.

Act No. 91-297

H. 838 — Rep. Bryant

AN ACT

To amend Section 1 of Act No. 1378, page 2323, Acts of Alabama 1971, entitled "Relating to Hale County; fixing the fee for issuance of pistol permits by the sheriff and providing for disposition and use of such fees" so as to increase this fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1378, page 2323, Acts of Alabama 1971, is hereby amended to read as follows:

"Section 1. In Hale County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or by a person as provided in Code of Alabama, Section 13A-11-75, shall be ten dollars, which shall be collected by the sheriff and deposited by him in the county treasury. Such fee shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for law enforcement purposes, in such amounts and at such times as may be approved by the county commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:13 P.M.

Act No. 91-298

H. 776 — Rep. Parker (P)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

A tract of land lying and being in the Southeast 1/4 of Section 34 and in the West 1/2 of the Southwest 1/4 of Section 35, all being in Township 6 South, Range 4 West being further described as beginning at the Southwest corner of the Southeast 1/4 of Section 34, said point being the Northwest corner of Valley View Acres Subdivision, the True Point of Beginning; thence North 1 degree 43 minutes 30 seconds East along the West line of the Southeast 1/4 of said Section 34 a distance of 1,999.94 feet; thence South 88 degrees 11 minutes 48 seconds East 1,052.33 feet along the North line of the South 1/2 of the North 1/2 of the Southeast 1/4 of said Section 34 to the Northwest corner of Bluff Park Subdivision; thence South 88 degrees 29 minutes 37 seconds East along the North line of Bluff Park Subdivision 2,181.28 feet to the West margin of Indian Hills Road; thence along said West margin South 39 degrees 16 minutes 01 seconds East 210.01 feet; thence along said West margin South 24 degrees 00 minutes 03 seconds East 202.57 feet; thence continue along said West margin South 35 degrees 43 minutes 34 seconds East 168.82 feet; thence along said West margin South 33 degrees 56 minutes 18 seconds East 121.23 feet; thence along said West margin South 33 degrees 21 minutes 44 seconds East 170.13 feet; thence along said West margin South 34 degrees 58 minutes 24 seconds East 200.33 feet; thence along said West margin South 45 degrees 11 minutes 58 seconds East 134.31 feet to the Southeastern corner of Bluff Park Subdivision; thence along said West margin South 88 degrees 29 minutes 37 seconds East 33.26 feet to the point where the South margin of Indian Hills Road intersects the East line of the Southwest 1/4 of the Southwest 1/4 of Section 35, Township 6 South, Range 4 West; thence along said East line South 1 degree 47 minutes 24 seconds West 1,017.98 feet to the South line of said Section 35; thence North 89 degrees 53 minutes 14 seconds West along said South line 1,322.65 feet to the Southwest corner of said Section 35; thence North 87 degrees 59 minutes 16 seconds West along the South line of Section 34, Township 6 South, Range 4 West 2,658.61 feet to the Southwest corner of the Southeast 1/4 of said Section 34, the True Point of Beginning containing 174.28 acres.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:14 P.M.

Act No. 91-299

H. 859 — Rep. Lindsey

AN ACT

Relating to Cherokee County; providing certain additional compensation for the poll workers to be paid from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation heretofore provided by law for the poll workers in Cherokee County, each poll worker shall be entitled to a \$10.00 per meeting day increase in such compensation with such increase to be paid in the usual manner from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:15 P.M.

Act No. 91-300

H. 495 — Reps. McMillan, Penry

AN ACT

Relating to the Board of Education of Baldwin County; authorizing the board to expend public school funds to provide office supplies and equipment for use in the office of the Superintendent of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Baldwin County Board of Education is hereby authorized to expend public school funds for supplies and equipment to be used in the office of the County Superintendent of Education over and beyond the supplies and equipment furnished by the Baldwin County Commission.

Section 2. This authorization for the Baldwin County Board of Education to expend public school funds for supplies and equipment for the superintendent's office shall in no way relieve the Baldwin County Commission of its responsibility to continue furnishing suitable office quarters, forms and supplies to the Baldwin County Superintendent of Education.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:16 P.M.

Act No. 91-301

H. 676 — Rep. Letson

AN ACT

Relating to Lawrence County, repealing Act No. 86-380, H. 725, 1986 Regular Session, which provides for the equalization of salaries of certain clerks employed in the offices of certain elected county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 86-380, H. 725, 1986 Regular Session, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:17 P.M.

Act No. 91-302

H. 955 — Rep. Anderson

AN ACT

Providing for a board of education for the City of Decatur, Morgan County, Alabama to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Decatur.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established a school board for the City of Decatur, Alabama, which board shall be called "The Decatur Board of Education". The members of such board shall be elected by vote of the qualified electors of the City of Decatur, Alabama, as hereinafter provided. Said board shall be composed of five members, with one member of such board being elected from each of the school districts as defined in Section 2 of this act.

Section 2. The school districts from which such board members are to be elected shall be geographically identical to the districts from which the council members of the City of Decatur are elected. In the event the boundaries of a city council district should be changed for any reason, the boundaries of the corresponding school board

district within the City of Decatur shall automatically change accordingly without the necessity of further action by the legislation.

Section 3. Candidates for each place on such board of education shall be at least 21 years of age, residents of the school board district which they seek to represent on such board for at least 90 consecutive days prior to the deadline date for qualifying as a candidate and shall not have a record of conviction for any crime involving moral turpitude. At the time of qualifying, each candidate for each place on such board shall pay such qualifying fee as shall be prescribed by the city council of Decatur, Alabama, not later than six months prior to the qualifying deadline as provided by law. Provided, however, that the qualification fee for the first elections to be held for the board created by this act shall be \$25.00 for each candidate.

Section 4. Such elected school board members shall serve for four year terms with the elections and terms thereof coinciding with those of the members of the city council of Decatur, Alabama; provided, however, that the initial elections for such board members shall be held at the next regular, special, presidential or constitutional amendment election after the effective date of this act. Such initially elected board members shall serve from the date on which they are sworn into office until the swearing in of their successors next following the next regularly scheduled city council and school board elections. Terms of office for the initially elected board members shall commence on the first Monday of October, 1992, at noon or at such time as their duly elected successors are sworn in subsequent to the first Monday of October, 1992. Any vacancies that may occur on such board, from time to time, shall be filled by the city council in the same manner as provided by law for filling vacancies on the city council.

Section 5. In the event no candidate receives a majority of all of the votes cast for any one or more positions on such school board, the city council shall order a run-off election to be held separately or in conjunction with any scheduled primary, special or general election, at which election the two candidates receiving the most votes for the office in the initial election shall be the only candidates. The candidate receiving the most votes in such run-off election shall be declared as elected. In the event of a tie vote between such run-off candidates, the then serving city council shall decide the election by majority vote at a special meeting called for such purpose by the council's presiding officer.

Section 6. All members of the board created by this act shall represent the interests of any student of the city school system who is not otherwise represented by a certain district school board member as provided for in this act.

Section 7. The compensation for the members of such school board shall be \$100.00 per month to be paid from city school system funds; provided, however, that such board may change this amount by majority vote thereof, which changes must be made not later than six months prior to the deadline for qualification of candidates for seats on such board of education. Thereafter, such compensation as set by such board, from time to time, shall be in effect for successor boards.

Section 8. Such board of education shall have the financial records of the Decatur school system audited at least annually by an independent auditing firm with the results of such audit being a matter of public record.

Section 9. The members of the board of education provided for in this act shall be immune from any civil liability whatsoever, be it in contract, in tort or otherwise for any actions taken by such members in their official capacity as members of such board and done within the line and scope of their authority as members thereof. The members of such board shall have such powers, authority, duties and responsibilities as are otherwise provided by law for members of boards of education as set forth in Title 16, Chapter 11, Code of Alabama 1975.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected board of education for the City of Decatur, Alabama, except as otherwise herein prescribed. If such constitutional amendment is defeated, then, the provisions of this act shall be null and void.

Approved July 18, 1991

Time: 4:18 P.M.

Act No. 91-303

H. 680 — Reps. Higginbotham, Turnham

AN ACT

Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Opelika shall not exercise police jurisdiction in any county unless a part of its corporate limits also lies in the county. The City of Opelika shall not exercise taxing powers nor shall it enforce any ordinance, subdivision regulation or sanitation regulation in any county unless a part of its corporate limits lies in the county.

Section 2. Nothing in this act shall prohibit the City of Opelika from exercising police jurisdiction within Lee County or any other county into which the corporate limits may extend.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:19 P.M.

Act No. 91-304

H. 738 — Rep. Bugg

AN ACT

Relating to Etowah County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional \$2.00 to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County probate judge shall mail forms to all registered boat owners within the county to allow boat owners to complete such application forms for ordering the annual certificate of registration and pay for any taxes and tags or decals by mail so that the tag or decal and receipts therefor may be forwarded to the owner by mail. The probate judge's office shall assess an additional \$2.00 fee for each registration certificate issued by him by mail. These fees shall be kept by the probate judge and expended, in his discretion, for the general operations of the probate office.

Section 2. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 3. This act shall become effective October 1, 1991.

Approved July 18, 1991

Time: 4:20 P.M.

Act No. 91-305

H. 747 — Rep. Millican

AN ACT

Relating to Winston County; levying additional costs and charges of court; providing said additional costs and charges of court shall be expended for the cost of constructing, financing, planning, equipping and operating a new judicial building and jail; providing that the provisions of this act shall only become operative if approved by a majority of electors at a referendum; and to provide for the manner of conducting said referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted the legislature by Amendment 424 of the Constitution of 1901, in addition to all other costs and charges of court prescribed by law, there shall be assessed in Winston County a court cost of thirty dollars (\$30.00) upon the privilege of filing any initial complaint in all civil cases in the district and circuit courts of Winston County. There shall also be an additional court cost of thirty dollars (\$30.00) in all criminal and quasi-criminal cases brought in the municipal, district or circuit courts of Winston County.

Section 2. All costs and charges assessed pursuant to this act shall be collected by the court clerk as other court costs and charges are collected and distributed to Winston County for deposit in a special fund designated as the Judicial Building and Jail Fund. All monies paid into the Judicial Building and Jail Fund shall be expended by Winston County exclusively for the payment of the cost of construction, financing, planning, equipping and operating a new judicial building and jail.

Section 3. Pursuant to Amendment 255 of the Constitution of 1901, the provisions of this act shall become operative only if approved by a majority of the electors of Winston County voting in a referendum to be held at a time to be designated by the county commission. The county commission of Winston County shall order and provide for the holding of the referendum and shall pay the cost thereof. On the ballots to be used at the election, the question shall be substantially as follows:

Do you favor the increase of court costs and charges in the circuit, district and municipal courts of Winston County to enable the construction and operation of a new judicial building and jail as

provided in the local law enacted during the 1991 Regular Session?
 Yes () No ().

If the majority of the votes cast in the referendum are "Yes," the provisions of this act shall become operative immediately after the results of the election have been certified by the probate judge of Winston County. If the majority of the votes cast in the election are "No," this act shall have no further effect. The probate judge of Winston County shall certify the results of the referendum to the Secretary of State and to the Administrative Director of Courts immediately after the returns have been certified.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Provided, however, the provisions of Sections 1 and 2 shall only become operative if the conditions specified in Section 3 are met.

Approved July 18, 1991

Time: 4:21 P.M.

Act No. 91-306

H. 842 — Rep. Gullatt

AN ACT

Relating to the appointment of deputies in the sheriff's office of Russell County; providing for the manner of appointment and determination of number and the compensation; repealing Act No. 87-529, H. 994 of the 1987 Regular Session (Acts 1987, p. 803) which provides for additional deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, the Russell County Commission and the sheriff of the county shall jointly prescribe the number of deputies in the sheriff's office. Said deputies shall be paid in the same manner and from the same funds as are other deputies on the staff of Russell County.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 87-529, H. 994 of the 1987 Regular Session (Acts 1987, p. 803) is hereby specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:22 P.M.

Act No. 91-307

H. 862 — Rep. Morrow

AN ACT

To repeal Act No. 81-771, S. 666, 1981 Regular Session (Acts 1981, p. 1328), relating to forest fire protection in Franklin County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-771, S. 666, 1981 Regular Session (Acts 1981, p. 1328), relating to forest fire protection in Franklin County is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:23 P.M.

Act No. 91-308

H. 866 — Rep. Parker (P)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Beginning at the NW corner of Section 17, Township 7 South, Range 4 West; thence South along the West boundary line of said Section 17 a distance of 110.0 feet to the North right-of-way line of Alabama Highway 36 said point being the TRUE POINT OF BEGINNING; thence in an Easterly direction along the North right-of-way line of said Alabama Highway 36 a distance of 3,940.0 feet more or less to a point on said North right-of-way of Alabama Highway 36 also said point being the existing City limit line of

Hartselle; thence South a distance of 80.0 feet to the South right-of-way of said Alabama Highway 36; thence in an Westerly direction along said South right-of-way a distance of 246.0 feet to the NE corner of the Raymond Cocke property; thence South a distance of 660.0 feet more or less to the South line of the NW 1/4 of the NE 1/4 Section 17; thence West along the South line of said NW 1/4 of the NE 1/4 a distance of 890.0 feet to a point on the West line of the Ora Johnson property; thence South along the West line of said Ora Johnson property a distance of 490.0 feet; thence West a distance of 90.0 feet to the East line of the SE 1/4 of the NW 1/4 of Section 17; thence South along the East line of said SE 1/4 of the NW 1/4 a distance of 850.0 feet to the South line of said SE 1/4 of NW 1/4; thence West along the South line of said SE 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 a distance of 2,640.0 feet to the SW corner of Section 17, Township 7 South, Range 4 West; thence continue West along the South line of SE 1/4 of NE 1/4 of the SW 1/4 of the NE 1/4 of the SE 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 a distance of 5,280 feet to the SW corner of the SW 1/4 of the NW 1/4 of Section 18, Township 7 South, Range 4 West; thence North along the West line of Section 18 a distance of 1,820 feet to a point on the North right-of-way of Alabama Highway 36; thence in an Easterly direction along the North right-of-way of said Alabama Highway 36 a distance of 5,300 feet more or less to the West line of Section 17 said point being 110.0 feet South of the NW corner of said Section 17, Township 7 South, Range 4 West said point being the TRUE POINT OF BEGINNING.

Less and Except: Lots 26, 27, 28, 29, 30 and 31 of Iron Man Subdivision, Hartselle, Alabama, as shown by plat of said subdivision filed in the office of the Judge of Probate of Morgan County, Alabama, on October 13, 1964, and recorded in Plat Book 4 at page 62.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:24 P.M.

Act No. 91-309

H. 886 — Rep. Newman

AN ACT

Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to Lamar County, any law to the contrary notwithstanding, on the effective date of this act, any funds held in escrow which were to be distributed to the Lamar County Water Coordinating and Fire Prevention Authority, which was to be incorporated pursuant to the provisions of Act No. 89-472, H. 729, 1989 Regular Session, and which funds were never in fact distributed due to the lack of incorporation of said Authority shall be disbursed immediately to the Lamar County Water Authority which is in existence on said date. Any funds collected after the effective date of this act shall be distributed equally between each rescue squad and certified fire department in the county. The Alabama Forestry Commission shall annually present to the Lamar County Commission a list of the certified fire departments in the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:25 P.M.

Act No. 91-310

H. 889 — Rep. Richardson

AN ACT

Relating to Jackson County; to amend Section 7 of Act No. 89-265 enacted at the 1989 Regular Session of the Legislature of Alabama, so as to specifically authorize the Jackson County Water Authority to sell and issue bonds of the authority; to specify the use of proceeds of such bonds and the source of payment thereof; to make certain provisions with respect to the form, terms, denominations, tenor and maturities of such bonds, the interest thereon and the method and time of computing and paying such interest; to provide for the sale, execution and delivery of such bonds; to provide for liability on such bonds and security for the payment of principal thereof and interest thereon; and to make certain other provisions with respect to the borrowing of money and the issuance of bonds or other obligations by the authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 89-265 enacted at the 1989 Regular Session of the Legislature of Alabama is amended to read as follows:

"Section 7. (a) In addition to all other powers now or hereafter granted by law, the authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To sell and issue bonds of the authority in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely out of one or more of the following: (i) any or all proceeds or receipts from the privilege, license or excise tax levied on the sale, distribution, storage, use or consumption of tobacco and certain tobacco products in Jackson County by Act No. 89-397 enacted at the 1989 Regular Session of the Legislature of Alabama, as said act may be now or hereafter amended, (ii) any or all proceeds from any tax received by the Jackson County Commission which are required by law to be deposited to the credit of the Jackson County Water Authority or (iii) the revenues derived from any water, sewer or garbage system or facility of the authority;

(2) To pledge for payment of any bonds issued by the authority any proceeds, receipts or revenues from which those bonds are made payable as provided in this act; and

(3) To borrow money for temporary use for any of its corporate purposes and, in evidence of such borrowing, to issue, from time to time, revenue bonds or notes maturing not later than 36 months from the date of issuance. Any such temporary borrowing may be made in anticipation of the sale and issuance of long-term revenue bonds, and in such event, the principal proceeds from the sale of such long-term revenue bonds shall, to the extent necessary, be used for payment of the principal of and the interest on the temporary revenue bonds or notes issued in anticipation of the sale and issuance of such long-term revenue bonds. Any such temporary borrowing may also be made with respect to a project simultaneously with or after the sale and issuance of long-term revenue bonds issued with respect to such project if, under the terms of the proceedings under which such long-term revenue bonds are issued, the proceeds therefrom or any part thereof may not be used or released until completion of the project with respect to which issued or other similar contingency. In such case, the principal proceeds from the long-term revenue bonds shall, when released and to the extent necessary, be applied for payment of the temporary bonds or notes. Any temporary bonds or notes issued pursuant to this paragraph may be refunded or renewed or extended for an additional period of not more than 36 months from the date of maturity of the temporary bonds or notes being refunded or renewed or extended, but otherwise pursuant to all of the terms and conditions of this paragraph, whether or not the project with

respect to which the outstanding temporary bonds or notes were issued has been completed.

(b) All bonds issued by the authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary and the seal of the authority shall be affixed thereto; provided, that a facsimile of the signatures of both of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in lieu of being manually signed if the proceedings in which the bonds are authorized to be issued provide for the manual authentication of such bonds by a trustee, registrar or paying agent; provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereto.

Any such bonds may be executed and delivered by the authority at any time and, from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act and shall bear such rate or rates of interest, or no interest, computed, compounded (if determined by the board to be advantageous), payable at such time or times, and evidenced in such manner, as may be provided by resolution of its board. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of an interest on any bonds issued or obligations assumed by the authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and, from time to time, be refunded by the issuance of refunding bonds of the authority, which may be sold by the authority at public or private sale at such price or prices as may be determined by its board to be most advantageous or which may be exchanged for the bonds or other obligations to be refunded. The authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the authority shall be construed to be negotiable instruments although payable solely from a specified source. Neither a public hearing nor consent of the state department of finance shall be prerequisite to the issuance of bonds by the authority. All bonds issued by the authority and the income therefrom shall be exempt from all taxation in the state of Alabama.

All obligations created or assumed and all bonds issued or assumed by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this

sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the authority.

Any bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the proceeds, receipts or revenues specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of one or more of the following: (i) any or all proceeds or receipts from the privilege, license or excise tax levied on the sale, distribution, storage, use or consumption of tobacco and certain tobacco products in Jackson County by Act No. 89-397 enacted at the 1989 Regular Session of the Legislature of Alabama, as said act may be now or hereafter amended, (ii) any or all proceeds from any tax received by the Jackson County Commission which are required by law to be deposited to the credit of the Jackson County Water Authority or (iii) the revenues derived from the leasing, sale or operation of all water, sewer and garbage systems and facilities owned by the authority or solely out of the revenues from the leasing, sale or operation of any one or more of such systems or facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular systems or facilities of the authority.

The authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the water, sewer or garbage systems or facilities or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the authority may contain such agreements as the board may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

(c) As security for payment of the principal of and interest on bonds issued or obligations assumed by it, the authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any water, sewer or garbage system owned by it or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from any such system or facility, for the disposition and application of its

gross revenues or any part thereof and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such system or facility will be sufficient to operate such system or facility, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such system or facility and the making of replacements thereof and capital improvements thereto.

Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the authority under this act.

(d) Any resolution of the board or trust indenture under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds, on the water, sewer and garbage systems and facilities or any thereof (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board or the said trust indenture may provide for the filing for record in the office of the judge of probate of each county in which any part of such water, sewer and garbage systems and facilities or any thereof may be located of a notice containing a brief description of such systems and facilities or either, a brief description of such bonds and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds upon such systems and facilities or either, including any additions thereto and extensions thereof. Each judge of probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as provided in this section, shall operate as constructive notice of the contents thereof.

(e) All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorize, including the funding of all or part of any reserve funds which may be required for debt service, replacement and extension or capital improvements, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to:

(1) The fiscal, engineering, legal and other expenses incurred in connection with the issuance of and security for the bonds, including, without limitation, the charges, premiums or fees in connection with any debt service insurance or letter of credit or other additional security given with respect to its bonds, whether such amounts are to be paid in a lump sum or over a period of time;

(2) Interest on bonds in the case of bonds issued to pay costs of construction or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs prior to and during such construction and for not exceeding one year after completion of such construction; and

(3) Any premium that may be necessary to pay in order to redeem or retire the bonds or other obligation to be refunded in the case of the bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the authority.

(f) The proceeds of any bonds issued by the authority and moneys held in any special fund established by the authority in connection with the issuance of any of its bonds may be invested in any direct obligations of the United States of America, the obligations of any agency of the United States of America, interest bearing bank deposits, or in any securities the payment of the principal of and interest on which is fully secured by direct obligations of the United States of America or in any obligations in which municipal or county funds are authorized to be invested pursuant to Section 11-81-21, Code of Alabama 1975."

(g) Any provisions of this section to the contrary notwithstanding, the authority is hereby prohibited from using the proceeds from any bonds issued pursuant to this section to provide for any sewer or garbage systems until an adequate potable water supply with sufficient fire hydrants to satisfy the minimum requirements of the state fire insurance code is made available and placed at the option of every single family residence in the county.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:26 P.M.

Act No. 91-311

H. 931 — Rep. Lindsey

AN ACT

Relating to Cleburne County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by

mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cleburne County probate judge shall mail forms to all registered boat owners within the county to allow boat owners to complete such application forms for ordering the annual certificate of registration and pay for any taxes and tags or decals by mail so that the tag or decal and receipts therefor may be forwarded to the owner by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be set from time to time by the county commission to pay the cost of the mailing procedure herein provided, and such fee shall be collected by the probate judge at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 2. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 3. This act shall become effective October 1, 1991, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:27 P.M.

Act No. 91-312

H. 937 — Rep. Gullatt

AN ACT

Relating to Russell County; authorizing the county commission to increase the compensation for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Russell County, the county commission is hereby authorized to increase the compensation of election officials who work at polling places in such an amount as will, together with any amount paid by the state, make the total paid to such officials at least sixty dollars (\$60.00) for each day they work at the polls. The expense allowance provided for in this act shall be paid from the general fund of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:28 P.M.

Act No. 91-313

H. 939 — Rep. Hammett

AN ACT

To authorize the City of Florala in Covington County to construct, maintain and operate a cable television service.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the word “city” shall mean the City of Florala, Alabama in Covington County, a municipal corporation organized under the laws of the State of Alabama.

Section 2. In addition to all other powers, rights and authority heretofore granted by law:

(a) The city is hereby authorized and empowered to acquire, purchase, construct, lease, operate, maintain, enlarge, extend and improve a community antenna television system, “CATV,” which may be defined, without limiting the generality, as a facility that in whole or in part, receives directly, or indirectly, or over the air, and amplifies or otherwise modifies the signal transmitting programs broadcast by one or more television or radio stations from any point within this state or any other state and distributes such signals by wire or cable or any other means to subscribing members of the public who pay for such service; and

(b) The city is hereby authorized and empowered to acquire, purchase, lease, construct, operate, maintain, enlarge, extend and improve a system of auxiliary services which may be identified generally as any communication service, in addition to the CATV transmissions, which shall include, but be not limited to burglar alarm systems, data transmissions, facsimile service, home shopping service, and any allied or similar communications services.

Section 3. For the purposes of this act, the city may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 4. (a) In payment for the purchase, lease, construction, acquisition, extension or maintenance of such CATV system, the city may issue bonds, warrants or other certificates of indebtedness, or may enter into lease-purchase contracts for the acquisition of such CATV system.

(b) The city, in order to secure the prompt payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it or lease-purchase contracts entered into by it for the construction, acquisition, lease, extension or maintenance of a CATV system may execute a mortgage or deed of trust upon any or all of such systems and all property used solely in

connection therewith, including the franchise of any part thereof, and additionally, any pledge the revenues from the operation of the city's water, sewer, or gas utility systems (the "Utility Revenues") toward the payment of debt service on such indebtedness.

(c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the city and holders of such bonds or securities issued by the city as may be determined and agreed upon by the governing body of the city and persons, firms or corporations owning such debts, bonds or securities.

(d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege or franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the city is authorized to operate until the city may redeem such system from such mortgage sale.

(e) Such mortgage or deed of trust may provide that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such city may pledge all of the receipts, earnings and revenues from the operation of the system and additionally may pledge the Utility Revenues for the payment of the debts, bonds or other evidences of indebtedness or lease-purchase contracts secured by such mortgages or deeds of trust.

Section 5. The city shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this act and in effectuating the purposes of this act.

Section 6. For the transaction of business pursuant to this act, the city shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 7. All laws or parts of laws in conflict with this act are repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:29 P.M.

Act No. 91-314

H. 936 — Rep. Gullatt

AN ACT

Relating to Russell County; authorizing the county commission to increase the compensation for the members of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. In Russell County, the county commission is hereby authorized to increase the compensation of each member of the board of registrars in such an amount as will, together with any amount paid by the state, make the total paid to such members at least seventy-five dollars (\$75.00) for each working day of the registrar. The expense allowance provided for in this act shall be paid from the general fund of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:30 P.M.

Act No. 91-315

H. 957 — Rep. Hammett

AN ACT

Relating to the City of Andalusia in Covington County; authorizing the governing body to levy additional ad valorem taxes for the school system and for city operations and capital expenditures, either or both; and providing for a referendum to determine which, if either, tax shall be levied.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to subsection (f) of Amendment No. 373 of the Constitution of Alabama of 1901, and a resolution heretofore adopted by the governing body of the City of Andalusia after a public hearing, the governing body is hereby authorized to levy, in addition to any and all other taxes heretofore levied, additional ad valorem taxes as provided in section 2 hereof.

Section 2. The increase in the rate of tax, as provided in this section, is subject to the approval of a majority of the qualified electors who vote on the question of whether the City of Andalusia shall be authorized to increase its current ad valorem tax rate by an additional 15 mills to be used by the Andalusia City School Board and increase its tax rate by five mills to be used exclusively for normal city operations and capital expenditures, either or both. The ballot

used at such election shall contain the words "for an additional 15 mills increase to be used by the Andalusia City School Board for building or remodeling school buildings and for other program needs, or to pay debt service on bond issues which will be issued specifically for building or remodeling school buildings" and "against an additional 15 mills increase to be used by the Andalusia City School Board for building or remodeling school buildings, or to pay debt service on bond issues which will be issued specifically for building or remodeling school buildings, and to pay for other program needs." It shall also contain the words "for an additional five mills to be used exclusively by the general fund for normal city operations and capital expenditures" and "against an additional five mills to be used exclusively by the general fund for normal city operations and capital expenditures." The voter shall indicate his choices by placing a cross mark by the proposition or propositions he favors.

Section 3. If at such election a majority of the qualified electors of the city voting at the election shall vote for the additional 15 mills increase to be used for school purposes and a 5 mill increase to be used for normal city operations and capital expenditures, either or both, then the additional tax authorized shall be levied by the city governing body and collection of either or both taxes shall commence at the beginning of the tax year following the referendum in which the taxes, either or both, were approved.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:31 P.M.

Act No. 91-316

H. 969 — Rep. Clark (J)

AN ACT

Relating to Barbour County; repealing Act No. 81-631, H. 946, 1981 Regular Session and Act No. 81-844, H. 947, 1981 Regular Session, which provide for assessments on forest lands for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. In Barbour County, Act No. 81-631, H. 946, 1981 Regular Session and Act No. 81-844, H. 947, 1981 Regular Session, are hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:32 P.M.

Act No. 91-317

H. 970 — Rep. Laird

AN ACT

Relating to Clay County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Clay County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed or typewritten mailing address of the grantee within the body of the instrument.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:33 P.M.

Act No. 91-318

H. 973 — Rep. Hammett

AN ACT

Relating to Covington County; providing for the publication of an annual financial statement.

Be It Enacted by the Legislature of Alabama:

Section 1. The Covington County Commission shall have published an annual financial statement, showing the receipts and

expenditures of money for the county. Such statement shall be published in a newspaper published in Covington County as soon as practicable after September 30th of each fiscal year.

Section 2. The cost of the publication of the said financial statement shall be paid for from the general funds of the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:35 P.M.

Act No. 91-319

H. 294 — Rep. Beasley

AN ACT

To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, as amended, are hereby further amended to read as follows:

“§13A-9-13.1.

“(a) A person commits the crime of negotiating a worthless negotiable instrument if he negotiates or delivers a negotiable instrument for a thing of value and with the intent, knowledge or expectation that it will not be honored by the drawee.

“(b) For the purposes of this section, it is prima facie evidence that the maker or drawer intended, knew or expected that the instrument would not be honored if:

“(1) The maker or drawer had no such account with the drawee at the time the negotiable instrument was negotiated or delivered, as determined according to section 7-3-503(2); or

“(2) Payment was refused by the drawee for lack of funds, upon presentation within 30 days after delivery, and the maker or drawer shall not have paid the holder thereof the amount due thereon, together with a service charge of not more than \$20.00, within 10 days after receiving written notice from the holder of the instrument that payment was refused upon such instrument, as provided in section 13A-9-13.2; or

“(3) Notice that payment was refused is mailed by certified or registered mail and is returned undelivered to the sender, when such notice is mailed within a reasonable time after dishonor to the address printed on the instrument or given by the maker or drawer at the time of issuance of the instrument.

“(c) Negotiating a worthless negotiable instrument is a Class A misdemeanor.

“(d) The definition of ‘negotiable instrument’ in section 7-3-104 applies to this section and sections 13A-9-13.2 and 13A-9-13.3.

“(e) The definition of ‘negotiation’ in section 7-3-202 applies to this section and sections 13A-9-13.2 and 13A-9-13.3.

“(f) The definition of ‘delivery’ in section 7-1-201(14) applies to this section and sections 13A-9-13.2 and 13A-9-13.3.”

“§13A-9-13.2.

“For purposes of section 13A-9-13.1:

“(1) Notice mailed by certified or registered mail, evidenced by return receipt, to the address printed on the instrument or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering or delivering said instrument.

“(2) The form of notice shall be substantially as follows:

“‘This statutory notice is provided pursuant to section 13A-9-13.2 of the Alabama Code. You are hereby notified that a check or instrument numbered , apparently issued by you on..... (date), drawn upon (name of bank), and payable to, has been dishonored. Pursuant to Alabama law, you have 10 days from receipt of this notice to tender payment of the full amount of such check or instrument plus a service charge of not more than \$20.00, the total amount due being \$..... Unless this amount is paid in full within the specified time above, the holder of such check or instrument may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution.’

“(3) Any party holding a worthless negotiable instrument and giving notice in substantially similar form to that provided in subdivision (2) of this section shall be immune from civil or criminal liability for the giving of such notice and for proceeding under the forms of such notice.”

“§8-8-15.

"Any lender of money, extender of other credit, or merchant making a sale of merchandise, goods or services, or the assignee of such lender, extender of credit or merchant who receives a check, draft, negotiable order of withdrawal or like instrument drawn on a bank or other depository institution given by any person in full or partial repayment of a loan, other extension of credit or a sale of merchandise, goods or services may, if such instrument is not paid or is dishonored by such institution, charge and collect, through regular billing procedure or otherwise, from the borrower, person to whom the credit was extended, or from whom the instrument was received, a bad check charge of not more than the greater of either \$20.00 or an amount equal to the actual charge by the depository institution for the return of unpaid or dishonored instruments.

"Charges imposed in connection with the dishonor of a negotiable instrument shall not be deemed interest finance or other charge made as an incident to or as a condition to the grant of the loan or other extension of credit and shall not be included in determining the limit on charges which may be made in connection with the loan or extension of credit as provided in this section or in any other law of this state."

"§12-17-224.

"(a) Each district attorney is hereby authorized and empowered to establish in his discretion, a special services division of his office which shall be under his direction and control and shall be organized for the following uses and purposes:

"(1) A section of the special services division of each such district attorney's office may be organized as a worthless check unit. Each district attorney who elects to establish said unit shall assign sufficient staff and resources to effectively operate said unit. The worthless check unit of the special services division of the district attorney's office shall be created for the purpose of processing worthless checks.

"(2) Procedures:

"a. Complaint referrals. — After following the requisites of section 13A-9-13.1, any party holding a worthless negotiable instrument may present a 'complaint' to the worthless check unit of the special services division of the district attorney's office. Upon receipt of such complaint, said complaint shall be evaluated by the worthless check unit, under the direction of the district attorney to determine whether or not said complaint is appropriate to be processed by the worthless check unit.

"1. Guidelines to be used in the determination of whether a complaint has been appropriately filed may include but are not limited to the following:

“(i) The amount of the check as recited in the complaint;

“(ii) Whether the defendant has a prior criminal record of violations involving issuing worthless checks;

“(iii) The number of checks previously received by the district attorney on this particular defendant;

“(iv) Whether the defendant has any worthless check charges pending; and

“(v) The strength of the evidence of intent to defraud the victim.

“2. Complaint withdrawals. — If after filing a ‘complaint’ with the worthless check unit the victim wishes to withdraw the complaint for good cause, the victim shall satisfy the service charge of \$30.00 to the worthless check unit for processing said complaint.

“b. Notice. — After approval of the complaint, a warrant may be issued by an appropriate warrant magistrate, and the warrant may be held by the worthless check unit. After issuance of a warrant or upon approval of a complaint by the worthless check unit, the unit shall notify the individual charged with violating section 13A-9-13.1 by issuing a notice to such individual that a warrant has been issued for his arrest or that a complaint has been received by the worthless check unit. Said notice may be sent by mail. Such notice shall inform said accused that he may be eligible for deferred prosecution for violation of section 13A-9-13.1 by voluntarily surrendering himself to the worthless check unit within 10 business days from the date of the notice.

“c. Voluntary surrender. — Upon voluntary surrender, the accused may be presented with the warrant or complaint and prosecution of same may be deferred upon payment of restitution and the service charge for processing the check, to the worthless check unit. Upon election by the worthless check unit, the accused may sign a restitution agreement which shall contain the terms by which the restitution and the service charge may be paid.

“d. Nonsurrender. — If, after receiving said notice, the accused shall not voluntarily surrender himself to the worthless check unit within the 10 business days prescribed in said notice, said violation shall be prosecuted in accordance with applicable laws and procedures.

“e. Fees and restitution.

“1. Definitions.

“(i) Fees. — The worthless check unit of the special services division of the district attorney’s office may charge a service charge in the stated amount in the following circumstances:

"I. In those cases where the accused has been notified by mail that a warrant has been issued and same may be criminally prosecuted unless he voluntarily surrenders himself to the worthless check unit within 10 business days from the date of said notice, and if such an accused voluntarily surrenders himself pursuant to said notice within the aforesaid 10 business days, the worthless check unit may collect the sum of \$40.00 from the accused as a service charge for processing said check. This service charge shall be increased in the same dollar amount as the court cost charged by the district court of said judicial circuit for violations of section 13A-9-13.1 when said court cost shall be increased.

"II. In those cases when the accused does not appear within 10 business days from the date of the notice issued to the accused, or if no restitution agreement is made, or if the accused does not comply with the restitution agreement the case may be prosecuted in accordance with applicable laws and procedures. Upon appearance of said accused in the district or circuit court of said judicial circuit or the equivalent thereof and upon a finding of guilt or a plea of guilty, the court shall order the accused to satisfy an additional service charge equal to 85% of the court cost levied by the court for said offense. This amount shall not be in lieu of, but shall be in addition to, court costs assessed by the district or circuit court for said violation. Further, said service charge is to be paid to the general fund of the county to be disbursed pursuant to this section and shall not decrease any amounts allotted to any county or state agency from the court costs collected by the district or circuit court.

"(ii) Restitution. — Restitution shall be defined as the face amount of any negotiable instrument (in the event of the issuance of a forged or altered instrument, restitution shall be in the amount to which the instrument was changed or altered), plus any amounts the victim may have been required to pay to a bank as a result of having attempted to process the worthless instrument and the service charge of not more than \$20.00 authorized by sections 13A-9-13.1 through 13A-9-13.3 for the holder of a worthless check.

"I. Upon filing a complaint with the worthless check unit, the victim waives the right to collect restitution directly from the defendant.

"II. Restitution agreements. — After an accused has been sent notification by mail of the warrant issued for his arrest and upon voluntarily surrendering himself to the worthless check unit, the worthless check unit may enter into a restitution agreement with the accused as to the terms by which the accused shall satisfy restitution and fees to the worthless check unit. The terms of said restitution agreements shall be determined on a case by case basis by the worthless check unit, but the duration of any said agreement

shall be no longer than a period of six months. No interest may be charged or collected on either restitution or fees charged. Said restitution agreement shall be signed by the accused and must be ratified by the worthless check unit before it is effective. If the accused does not honor each term of the restitution agreement signed by him, the district attorney's office may proceed with the prosecution of the accused as provided by law.

"2. Collection and distribution.

"(i) Restitution. — Restitution shall be collected by the worthless check unit and deposited into an account maintained solely for such purpose. The worthless check unit shall, after a reasonable time for accounting and bookkeeping purposes, disburse to the victim all restitution collected with regard to the original complaint filed.

"(ii) If the victim cannot be located after a reasonable time and upon diligent efforts to locate same, the restitution due said victim shall be deposited into the worthless check fund as herein provided.

"(iii) Fees. — All fees or charges, other than court costs, collected by the worthless check unit in accordance with this section shall be paid to the county treasurer of said county in a fund to be known as the worthless check fund. Sixty-five percent of funds collected pursuant to subsection (a)(2)e1(i)I of this section shall be used and expended by the district attorney to defray the reasonable expenses incurred by the office of the district attorney. The district attorney is hereby authorized to requisition and expend these funds for those purposes. The treasurer of the county shall make disbursements of said funds upon requisition of the district attorney. Provided further this paragraph shall not reduce the amount payable to the district attorney under any local act, specifically Act No. 83-483. Thirty-five percent of said funds shall be used by the county for the reasonable expenses incurred in the administration of said program. All of the funds collected pursuant to subsections (a)(2)e1(i)II and (a)(2)e1(ii) shall be deposited in the general fund of the county and shall be expended only for the reasonable and necessary expenses of law enforcement.

"(b) This section shall in no way prohibit or preclude the office of the district attorney from proceeding with the prosecution of any violation of section 13A-9-13.1 as provided by applicable law and procedures heretofore enacted."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:35 P.M.

Act No. 91-320

H. 664 — Rep. Freeman

AN ACT

To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8-6-10 and 8-6-11, Code of Alabama 1975, are hereby amended to read as follows:

“§8-6-10.

“Sections 8-6-4 through 8-6-9 shall not apply to any of the following securities:

“(1) Any security, including a revenue obligation, issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

“(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations if the security is recognized as a valid obligation by the issuer or guarantor;

“(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States or any bank, savings institution or trust company organized and supervised under the laws of this state;

“(4) Any security issued by and representing an interest in, a debt of, or guaranteed by any federal savings and loan association or any building and loan or similar association organized under the laws of this state;

“(5) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association or similar association organized and supervised under the laws of this state;

“(6) Any security issued or guaranteed by any railroad, other common carrier, public utility or holding company which is:

“a. Subject to the jurisdiction of the interstate commerce commission;

"b. A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act;

"c. Regulated in respect to its rates and charges by a governmental authority of the United States or any state; or

"d. Regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada or any Canadian province;

"(7) Any national market system security under section 11A of the Securities Exchange Act of 1934 (including any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so designated or approved; and any warrant or right to purchase or subscribe to any of the foregoing) which is so designated or approved for designation upon notice of issuance on an interdealer quotation system operated by a national securities association registered under section 15A of the Securities Exchange Act of 1934, or which is listed or approved for listing upon notice of issuance on a national securities exchange registered under section 6 of the Securities Exchange Act of 1934, if the listing or designation criteria applicable to the issuer of that security provide minimum corporate governance standards substantially equivalent to those applicable to securities on the New York Stock Exchange, the American Stock Exchange or the National Association of Securities Dealers National Market System as of January 1, 1991; provided, however, that the commission may by order deny, revoke or suspend the exemption of a specific issue of securities or by rule any category of securities when necessitated by the public interest and for the protection of investors;

"(8) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purposes or as a chamber of commerce or trade or professional association;

"(9) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited or any guarantee of such paper or of any such renewal;

"(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan; or

"(11) A security issued by an issuer registered as an open-end management investment company or unit investment trust under section 8 of the Investment Company Act of 1940 if:

“a.1. The issuer is advised by an investment adviser that is a depository institution exempt from registration under the Investment Advisers Act of 1940 or that is currently registered as an investment adviser, and has been registered, or is affiliated with an adviser that has been registered, as an investment adviser under the Investment Advisers Act of 1940 for at least three years next preceding an offer or sale of a security claimed to be exempt under this paragraph; and the adviser has acted, or is affiliated with an investment adviser that has acted, as investment adviser to one or more registered investment companies or unit investment trusts for at least three years next preceding an offer or sale of a security claimed to be exempt under this paragraph; or

“2. The issuer has a sponsor that has at all times throughout the three years before an offer or sale of a security claimed to be exempt under this paragraph sponsored one or more registered investment companies or unit investment trusts the aggregate total assets of which have exceeded \$100,000,000.00.

“b. The securities commission has received prior to the offer or sale of the securities exempted here:

“1. A notice of intention to sell which has been executed by the issuer and which sets forth the name and address of the issuer and the description of the securities to be offered in this state; and

“2. A nonrefundable filing fee of \$300.00 for an open-end management investment company with total net assets of \$25,000,000.00 or less, or a nonrefundable filing fee of \$600.00 for an open-end management investment company with total net assets of more than \$25,000,000.00 but less than \$100,000,000.00, or a nonrefundable filing fee of \$1,000.00 for an open-end management investment company with total net assets equal to or greater than \$100,000,000.00; or a nonrefundable filing fee of \$200.00 for a unit investment trust. Fees collected under this section shall be deposited in the Alabama Securities Commission Fund in the state treasury for the use of the Alabama Securities Commission in the administration of this article.

“c. In the event any offer or sale of a security of an open-end management investment company is to be made more than 12 months after the date notice under paragraph (b) is received by the director, another notice and payment of the applicable fee shall be required.

“d. For the purpose of this subdivision an investment adviser is affiliated with another investment adviser if it controls, is controlled by, or is under common control with the other investment adviser.”

“§8-6-11.

“(a) Except as hereinafter in this section expressly provided, sections 8-6-3 through 8-6-9 shall not apply to any of the following transactions:

“(1) Any isolated nonissuer transaction, whether effected through a dealer or not;

“(2) Any nonissuer transaction in an outstanding security by a registered dealer if:

“a. The issuer has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934 and has been subject to the reporting requirements of sections 13 or 15(d) of the Securities Exchange Act of 1934 for not less than 180 days before the transaction; or has filed and maintained with the commission for not less than 180 days before the transaction information, in such form as the commission, by rule, specifies, substantially comparable to the information which the issuer would be required to file under section 12(b) or section 12(g) of the Securities Exchange Act of 1934, or the securities have been the subject of an effective registration statement within 180 days before the transaction, or the issuer is required to file and has filed all reports under section 13 of the Securities Exchange Act of 1934, or the issuer is exempted from registration by section 12(g)(3) of the Securities Exchange Act of 1934, it or its predecessor in interest has been in existence for at least five years, the security is listed for trading on a foreign securities exchange and has been trading for at least six months and continues to trade on such exchange, and the aggregate market value of shares, the ownership of which is unrestricted, is not less than \$500,000,000.00; or

“b. The issuer is an investment company registered under the Investment Company Act of 1940 and has been subject to the reporting requirements of section 30 of that act for not less than 180 days before the transaction; or

“c. The security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year, within the three preceding fiscal years or during the existence of the issuer and any predecessors if less than three years in the payment of principal, interest or dividends on the security;

“(3) Any nonissuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy;

“(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter or among underwriters;

“(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an

agreement for the sale of real estate or chattels if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

“(6) Any sale or the offering for sale of any security at any judicial, executor’s, administrator’s, guardian or conservator’s sale, or at any sale by a receiver or trustee in insolvency or bankruptcy;

“(7) Any transaction executed by a bona fide pledge without any purpose of evading this article;

“(8) Any offer or sale to a bank, savings institution, credit union, trust company, insurance company or investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

“(9) Any transaction which is part of an issue of which there are no more than 10 purchasers [other than those designated in subdivision (a)(8) of this section] wherever located, of securities from the issuer during any period of 12 consecutive months if:

“a. The issuer reasonably believes that all the buyers are purchasing for investment and not with a view to distribution, and such issuer exercises reasonable care to assure this investment intent, which reasonable care shall be presumed if the following conditions are satisfied:

“1. Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

“2. Written disclosure to each purchaser prior to sale that the securities have not been registered under the act and, therefore, cannot be resold unless they are registered under the act or unless an exemption from registration is available;

“3. Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the act and setting forth or referring to the restrictions on transferability and sale of the securities; and

“b. No commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer; and

“c. No public advertising or general solicitation is used in connection with the issue of which the transaction in reliance on this exemption is a part.

“Sections 8-6-3 through 8-6-9 shall not apply to any offer made pursuant to this subdivision (a)(9) in which no sale results.

"But the securities commission may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption or decrease or increase the number of purchasers permitted, or waive the conditions in paragraphs a. and b. of this subdivision (9) with or without the substitution of a limitation on remuneration.

"(10) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants or transferable warrants exercisable within not more than 90 days of their issuance, if:

"a. No commission or other remuneration, other than a standby commission, is paid or given directly or indirectly for soliciting any security holder in this state; or

"b. The issuer first files a notice specifying the terms of the offer and the securities commission does not by order disallow the exemption within the next five full business days;

"(11) Any offer, but not a sale, of a security for which registration statements have been filed under both this article and the Securities Act of 1933 if no order of denial, suspension or revocation is in effect and no public proceeding or examination looking toward such an order is pending under either act;

"(12) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock;

"(13) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation or sale of assets; or

"(14) Any transaction by an issuer if:

"a. The aggregate amount of the total offering, within or without this state, shall not exceed \$500,000.00, less the aggregate offering price of all securities sold within 12 months before the start of and during the offering of securities under this subsection or in reliance on the exemption contained in paragraph a. of section 8-6-11(a)(9) or which have been sold in violation of section 8-6-4.

"b. No person purchases more than \$15,000.00 of the securities offered and sold in reliance upon the exemption contained in this paragraph, except that this limitation on the amount that may be purchased shall not apply to "accredited investors" as defined in 17 Code of Federal Regulations §230.501.

"c. A disclosure document is delivered to any purchaser of the securities sold pursuant to this exemption prior to or simultaneously with the execution by the purchaser of a written agreement to purchase, the delivery of a confirmation of sale, or the payment for securities offered by means of such disclosure document, whichever occurs first. The disclosure document under which securities are sold pursuant to this exemption shall contain the following:

"1. With respect to the issuer: its name, street address, form of organization and its telephone number; the state or foreign jurisdiction and the date of its organization; a brief description of the type and location of its business;

"2. A brief description of the material risks associated with the purchase of the securities;

"3. The use of proceeds from the offering, including a description of expenses, commissions and fees paid in connection with the offering and the net proceeds available for use by the issuer;

"4. A description of the capital stock of the issuer if a corporation or the equity ownership if an organization other than a corporation, including, where appropriate, the number of shares of capital stock issued and outstanding, the number of shares owned by management, and the options outstanding, if any, and the average exercise price for such options;

"5. The dilution, if any, to purchasers of the securities offered for sale pursuant to this exemption;

"6. A description of the management of the issuer and material transactions between the issuer and management;

"7. A statement that additional information concerning the issuer may be obtained upon request, including, where applicable, articles of incorporation or partnership agreement;

"8. The following financial statements which may, but need not, be certified: (i) a balance sheet of the issuer or a consolidated balance sheet of the issuer and its subsidiaries prepared in accordance with generally accepted accounting principles, as of a date within ninety days prior to the first offer of sale; and (ii) a profit and loss statement of the issuer or consolidated statement of the issuer and its subsidiaries prepared in accordance with generally accepted accounting principles for each of the two fiscal years preceding the date of the balance sheet referred to above and for the interim period, if any, between the close of the most recent of such fiscal years and the date of the balance sheet and for the corresponding period of the preceding year or if the issuer and its predecessor have been in existence for less than two fiscal years, the profit and loss statement for the period for which it has been in existence;

“9. The disclosure document shall contain substantially the following information shown boldly on the outside cover:

“The securities are offered pursuant to a claim of exemption under the Alabama Securities Act. A registration statement relating to these securities has not been filed with the Alabama securities commission. The commission does not recommend or endorse the purchase of any securities, nor does it pass upon the accuracy or completeness of this private placement memorandum. Any representation to the contrary is a criminal offense.

“10. The commission may, by rule or order, require as a condition of exemption under this subdivision (a)(14) that the disclosure document contain any designated part of the information as would be required by Part 1 of Form S-18, Code of Federal Regulations 239.28 not otherwise disclosed by this subdivision (a)(14), or permit the omission of any item of information from the disclosure document.

“d. The seller reasonably believes that all buyers are purchasing for investment.

“e. No commission, finders fee or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in this state, unless such person is registered in this state pursuant to section 8-6-3.

“f. If the issuer is a corporation, its principal office and a majority of its full-time employees are located in this state.

“g. If the issuer is a limited partnership, at least 80 percent of its assets are located in this state.

“h. At least 80 percent of the proceeds of the offering under this subdivision (a)(14) are used in the issuers operations in this state.

“i. At least 80 percent of the net proceeds of the offering under this subdivision (a)(14) are committed for use in a specific business.

“j. Securities offered or sold under this subdivision (a)(14) are not offered or sold on credit or credit terms.

“k. Offers and sales which are exempt under this subdivision (a)(14) are not combined with offers and sales by issuers in transactions which are exempt under any other rule or section of this article.

“l. No exemption under this rule shall be available for the securities of any issuer if any of the parties described in Rule 252(c), (d), (e) or (f) of Regulation A, 17 Code of Federal Regulations § 230.252(c), (d), (e), and (f), adopted under the Securities Act of 1933

(generally described as: the issuer, any of its predecessors or any affiliated issuer; any of the directors, officers, general partners or beneficial owners of 10 percent or more of any equity securities of the issuer; any underwriter of the securities or any partner, director or officer of any such underwriter; or any issuer subject to the reporting requirements of the Securities Exchange Act of 1934 who has failed to file required reports);

"1. Has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the notice required under this exemption.

"2. Has been convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud.

"3. Is currently subject to any state administrative enforcement order or judgment entered by that state's securities administrator within five years prior to the filing of the notice required under this exemption or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption.

"4. Is subject to any state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities.

"5. Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, permanently restraining or enjoining, such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the notice required under this exemption.

"6. The prohibitions of subparagraphs 1., 2, 3, and 5 above shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities-related business in the state in which the administrative order of judgment was entered against such person or if the broker/dealer employing such party is licensed

or registered in this state and the Form B-D filed with this state discloses the order, conviction, judgment or decree relating to such person. No person disqualified under this subsection may act in a capacity other than that for which the person is licensed or registered.

"7. Any disqualification caused by this section may be waived if the state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

"8. The disqualification found in 17 Code of Federal Regulations § 230 of Regulation D, shall apply also to offerings made pursuant to Rule 506 of the Code of Federal Regulations.

"m. The issuer shall file with the securities commission:

"1. An application for exemption on Form D, 17 Code of Federal Regulations §239.500 no later than five full business days prior to the commencement of the offering in this state. The application for exemption shall include two copies of all information furnished by the issuer to any of the offerees. The commission shall issue an order of exemption, notice of deficiency, or denial of exemption within the five full day business period;

"2. A notice of Part C of Form D, 17 Code of Federal Regulations § 239.500, no later than 30 days after the completion date of the offering;

"3. The notice of Form D, 17 Code of Federal Regulations § 239.500, required by subparagraphs 1. and 2. above shall be manually signed by a person duly authorized by the issuer;

"4. Every application for exemption provided for in subparagraph i. above shall be accompanied by a nonrefundable filing fee of \$150.00. Such filing fee shall be deposited in the Alabama securities commission fund in the state treasury to be drawn upon by the commission for its use in administration of this article. All applications for exemption and notices on Form D, 17 Code of Federal Regulations §239.500 shall be considered filed with the securities commission as of the date on which received at the office of the securities commission;

"5. Unless otherwise available, included with or in the initial notice shall be a consent to service of process as provided for in section 8-6-12.

"But the securities commission may by rule or order, as to any security or transaction of any type of security or transaction, withdraw or further condition this exemption.

"(b) The securities commission may by order deny or revoke the exemption specified in this section with respect to a specific

security if it finds the sale of such security would work or tend to work a fraud upon the purchasers thereof. No order under this subsection may operate retroactively. No person may be considered to have violated this article by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know and in the exercise of reasonable care could not have known of the order. In any proceeding under this article, the burden of proving an exemption from a definition is upon the person claiming it.

“(c) Any individual, corporation, partnership or association who makes application to the securities commission for any exemption from full registration under subdivision (a)(9) of this section shall be assessed a filing fee in the amount of \$250.00 upon application for such exemption. Said fee shall accompany the application and shall not be refunded whether the application is approved or rejected. Fees collected under this subsection shall be deposited in a special account in the state treasury for the use of the commission in the administration of this article.”

Section 2. Section 8-7-6, Code of Alabama 1975, is hereby amended to read as follows:

“§8-7-6.

“Each application for a license shall be accompanied by an investigation fee of \$250.00 and a license fee in the amount required by section 8-7-9. The license fee shall be refunded if the application is denied. No investigation fee shall be refunded. All fees collected by the commission under the provisions of this chapter shall be deposited with the state treasurer and shall be set aside by him in a separate fund earmarked for the use of the commission in the administration and enforcement of this chapter.”

Section 3. There is hereby appropriated from the Alabama Securities Commission Fund in the state treasury to the Alabama Securities Commission for the state fiscal year beginning October 1, 1991, and ending September 30, 1992, the sum of \$375,000.00. Such appropriation shall be in addition to all other monies heretofore or hereinafter appropriated to the Alabama Securities Commission.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1991

Time: 4:36 P.M.

Act No. 91-321

H. 120 — Reps. Higginbotham, Richardson,
Williams, Mathis, Gullatt, Ford,
Harvey, Beasley, Hooper,
Hawkins

AN ACT

To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, are hereby amended to read as follows:

§40-1-33.

“All tax returns, financial statements and information secured by the department of revenue officials or employees thereof for the purpose of arriving at the amount of ad valorem, franchise, income or license tax shall be kept under lock and key by the department of revenue, and any official or employee of the department of revenue who shall divulge the contents or permit the examination thereof except for the purpose of properly administering the tax laws of this state or upon order of the commissioner of the department of revenue and except under the order of the court or for the information of the legislature shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$50.00 and shall thereafter be ineligible to be an employee or agent of the department of revenue; provided, that the provisions of this section shall not apply to returns filed and information secured under laws of this state levying or imposing excise taxes or inspection fees upon the sale of, use and other disposition of gasoline and other petroleum products nor shall it apply to license information relevant to motor vehicle dealers, reconditioners, rebuilders, wholesalers, and automotive dismantlers and parts recyclers.”

“§40-12-390.

“The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

“(1) COMMISSIONER. The state commissioner of revenue.

"(2) DISTRIBUTOR. Any person, firm or corporation engaged in the business of selling or distributing new motor vehicles to new motor vehicle dealers.

"(3) MANUFACTURER. Any person, firm or corporation engaged in the business of manufacturing or assembling new and unused motor vehicles.

"(4) MOTOR VEHICLE. Any motor vehicle as defined in section 40-12-240, but such term shall not include trailers, semitrailers or house trailers as defined in section 40-12-240.

"(5) MOTOR VEHICLE RECONDITIONER. Any person, firm or corporation engaged in the business of refurbishing, repairing or replacing damaged parts of motor vehicles for the purpose of preparing such vehicle for resale under the same identification and identity as the vehicle bore before such refurbishing.

"(6) MOTOR VEHICLE REBUILDER. Any person, firm or corporation engaged in the business of making or causing to be made extensive repairs, replacements or combination of different motor vehicles to the extent of extinguishing the identity of the original vehicle to the extent that the finished motor vehicle must be assigned a new identification to be issued by the department of revenue under the provisions of chapter 8 of Title 32 of this Code.

"(7) MOTOR VEHICLE WHOLESALER. Any person, firm or corporation engaged in the business of buying, selling or exchanging motor vehicles at wholesale to motor vehicle dealers, as defined in this article, and not to the public.

"(8) NEW MOTOR VEHICLE. Means a motor vehicle, other than a used motor vehicle, the legal title of which has never been transferred by a manufacturer, distributor or new motor vehicle dealer to an ultimate purchaser.

"(9) NEW MOTOR VEHICLE DEALER. Any person, firm or corporation which holds a bona fide contract or franchise in effect with a manufacturer or distributor of new motor vehicles and is engaged in the business of selling, advertising or negotiating the sale of new motor vehicles or new and used motor vehicles, and such duly licensed new motor vehicle dealers shall be the sole and only persons, firms or corporations entitled (other than in connection with the rental or leasing of new motor vehicles by persons engaged in the business of motor vehicle rental and leasing) to sell and publicly or otherwise solicit and advertise for sale new motor vehicles as such.

"(10) USED MOTOR VEHICLE. Means a motor vehicle, the legal title of which has been transferred by a manufacturer, distributor or new motor vehicle dealer to an ultimate purchaser.

"(11) **USED MOTOR VEHICLE DEALER.** Any person, firm or corporation engaged in the business of buying, selling, exchanging, advertising, or negotiating the sale of five or more motor vehicles at retail during a calendar year, whether or not such motor vehicles are owned by such person, firm or corporation, or in offering or displaying motor vehicles for sale at retail to the public. The term 'selling' or 'sale' shall include lease-purchase transactions. The term used 'motor vehicle dealer' does not include banks and finance companies which acquire motor vehicles as an incident to their regular business and does not include motor vehicle rental and leasing companies.

"(12) **ULTIMATE PURCHASER.** Means, with respect to a new motor vehicle, the first person, firm or corporation, other than a new motor vehicle dealer purchasing in his capacity as a new motor vehicle dealer, who in good faith purchases such new motor vehicle for purposes other than resale. Ultimate purchaser shall not include a person, firm or corporation who purchases a vehicle for purposes of altering or remanufacturing the motor vehicle for future resale."

"§40-12-391.

"(1) No person shall be licensed as an automobile dealer under the provisions of section 40-12-51, nor shall any person engage in business as, serve in the capacity of or act as a new motor vehicle dealer, used motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler in this state, without first obtaining a license therefor as provided in this article and, if a new motor vehicle dealer, or used motor vehicle dealer, a state sales tax number.

"(2) No person, firm or corporation may engage in the business of buying, selling, exchanging, advertising or negotiating the sale of new motor vehicles unless he holds a valid license as a new motor vehicle dealer for the make or makes of new motor vehicles being bought, sold, exchanged, advertised or negotiated or unless a bona fide employee or agent of the licensee."

"§40-12-392.

"(a) The application for said license shall be in such form and shall be subject to such rules and regulations as may be prescribed by the commissioner. Such application shall be verified by the oath or affirmation of the applicant. If the applicant is a sole proprietorship, the application shall contain the name and residence of the applicant. If the applicant is a partnership, the application shall contain the names and residences of each partner thereof. If the applicant is a corporation, the application shall contain the names and residences of the officers and directors thereof. If the applicant

is a new motor vehicle dealer, or used motor vehicle dealer, the application shall contain the state sales tax number assigned to the applicant. The application shall enumerate the number of new and used vehicles sold during the previous calendar year; describe the exact location of the place of business and shall state that such location is a permanent one; that such location affords sufficient space upon and within which to adequately display one or more motor vehicles offered for sale and that an appropriate sign designates the location as being the place of business of a motor vehicle dealer; that it is a suitable place from which the applicant can in good faith carry on such business and keep and maintain books and records necessary to conduct such business, which shall be available at all reasonable hours for inspection by the commissioner. The application shall state that the applicant is either (1) franchised by a manufacturer of motor vehicles, and, if so, the name of the manufacturer and line make that the applicant is authorized to represent, or (2) a used motor vehicle dealer, reconditioner, rebuilder or wholesaler. Upon making such application, the person applying therefor shall pay an application fee of \$10.00 to the commissioner in addition to any other fees now required by law. The commissioner may cause an investigation to be made and upon being satisfied that the facts set forth in the application are true, shall issue a license to the applicant.

“(b) A motor vehicle reconditioner, motor vehicle rebuilder or a motor vehicle wholesaler shall not be required to maintain a sign designating the location, and may maintain books, records and files of his business at his home; provided, that such books, records and files shall be accessible and available for inspection by the commissioner, his inspectors or employees during normal business hours on usual business days. The location may be adjacent to his residence.

“(c) If a motor vehicle reconditioner, a motor vehicle rebuilder or a motor vehicle wholesaler shall also be a motor vehicle dealer within the meaning of this article, he shall qualify with the commissioner both as a motor vehicle dealer and motor vehicle reconditioner or motor vehicle rebuilder or motor vehicle wholesaler, and shall file his application and pay the fee for each business, and shall comply with the requirements of subsections (a) and (b) of this section as to the business location for each business licensed by the commissioner.

“(d) A motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler may not sell any motor vehicles or component parts thereof to anyone other than a licensed motor vehicle dealer, motor vehicle wholesaler or other motor vehicle reconditioner or motor vehicle rebuilder, or as salvage.”

“§40-12-394.

“A license certificate shall be issued by the commissioner in accordance with such application when the same shall be in compliance with the provisions of this article. Such license shall entitle the licensee to carry on and conduct the business of a new motor vehicle dealer, used motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler as the case may be for a period of one year from the first day of October of each year.”

“§40-12-396.

“(a) The commissioner may suspend or revoke any license issued for the wilful and intentional failure of the licensee to comply with the provisions of this article or for the wilful failure to maintain his business premises, location and sign as described in his application. However, at least 10 days notice of the intention to revoke such license and of the reasons therefor shall be served by the commissioner on the licensee, stating a time and place of a hearing thereon in the county of the licensee’s residence.

“(b) A license may be revoked or a license application may be denied by the department of revenue for any of the following reasons:

“(1) Fraud practiced or any material misstatement in license application.

“(2) Change of conditions after license is granted or failure to maintain qualification for the license.

“(3) Skipping title assignment; accepting open assignment of title and/or bill of sale for a motor vehicle which is not completed by identifying said licensee as the purchaser or assignee of the motor vehicle.

“(4) Has no established place of business.

“(5) Failing to keep and maintain records.

“(6) Has knowingly dealt in stolen motor vehicles, parts or accessories.

“(7) Willful failure to comply with provisions of this chapter, or any rule or regulation promulgated thereunder.

“(8) Disconnecting, turning back or resetting the odometer of any motor vehicle in violation of state or federal law.

“(9) Filing a materially erroneous or fraudulent tax return as certified by the department of revenue.”

“§40-12-398.

"Annually, before any license shall be issued to a new motor vehicle dealer, used motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler, the applicant shall either deliver to the commissioner a good and sufficient surety bond, executed by the applicant as principal and by a corporate surety company qualified to do business in the state as surety, in the sum of \$25,000.00 for a new motor vehicle dealer and \$10,000.00 for all other dealers. Such bond shall be in a form to be approved by the commissioner, and shall be conditioned that the motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler shall comply with the conditions of any contract made by such dealer in connection with the sale or exchange of any motor vehicle and shall not violate any of the provisions of law relating to the conduct of the business for which he is licensed. Such bond shall be payable to the commissioner and to his successors in office, and shall be in favor of any person who shall recover any judgment for any loss as a result of any violation of the conditions hereinabove contained. Such bond shall be for the license period, and a new bond or proper continuation certificate shall be delivered to the commissioner at the beginning of each license period; provided, that the aggregate liability of the surety in any one license year shall, in no event, exceed the sum of such bond. The provisions of this section shall not apply to motor vehicle dealers or wholesalers who hold a valid motor vehicle dealer license under section 40-12-51 or to motor vehicle rebuilders or reconditioners, as defined in this article who hold a valid business license to engage in such business as of April 1, 1978."

"§40-12-414.

"Every person, firm or corporation, before being licensed under this article, must show proof of responsibility by depositing with the commissioner of revenue cash in the amount of \$10,000.00 or a continuing bond in the amount of \$10,000.00 with surety thereon of a company authorized to do business in the state of Alabama, which bond shall be approved by the commissioner of revenue, payable to the state of Alabama, and shall be conditioned upon the faithful observance of all the provisions of this article and shall also indemnify any person who suffers any loss by reason of a failure to observe the provisions of this article.

Section 2. In addition to the criminal penalty provided by Sections 40-12-400 and 40-12-424, any person who willfully fails to comply with the provisions of Article 8 and Article 9 of Chapter 12, Title 40, Code of Alabama 1975, shall for each such failure be subject to a penalty of not less than \$500.00 nor more than \$1,000.00.

Section 3. The department of revenue is hereby authorized to promulgate reasonable rules and regulations relating to the

administration and enforcement of the provisions of this act and those other provisions of chapter 12 of Title 40, Code of Alabama 1975, relating to the licensing of automobile and other motor vehicle dealers not in conflict with the specific provisions hereof.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed and specifically Section 40-12-52, Code of Alabama 1975, is repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective on the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 18, 1991

Time: 4:37 P.M.

Act No. 91-322

H. 348 — Rep. Mathis

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and providing that such such officials presently participating in the supernumerary program may continue therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

(a) On and after the effective date of this amendment the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials, by whatever designation, charged with assessing and/or collecting ad valorem taxes in the various counties of the state, shall be entitled to elect to participate in the state employees' retirement system or a county retirement

system, if available, upon the same terms and conditions as may be specified by law or regulation from time to time for state employees or county employees participating in such retirement systems.

(b) All such ad valorem tax officials who, on the effective date of this amendment, are participating in the supernumerary program pursuant to Title 40, Chapter 6, Code of Alabama 1975, as amended, shall be allowed to continue participating in such supernumerary program, or to withdraw therefrom under the provisions of Title 40, Chapter 6, Code of Alabama 1975, and enroll in the state employees' retirement system or a county retirement system, if available, upon such terms and conditions as may be provided by the legislature. All such officials who shall take office for the first time after the effective date of this amendment may not elect to participate in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975. Nothing contained herein shall restrict, withdraw, or modify the provisions and benefits of said supernumerary program as to those officials presently participating therein, whether they be in an active or supernumerary status.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House June 25, 1991

Passed the Senate July 18, 1991

Act No. 91-323

S. 459 — Senators Bennett and Ellis,
Waggoner, Dial, Corbett,
Ghee, Hale, deGraffenried,
Floyd, Lindsey, Windom,
Bedsole, Lipscomb, Foshee,

Owens, Bolling, Campbell,
Wilson, Horn, Amari,
Langford, Little, Mitchell,
Bailey, and Barron

AN ACT

To give the act a title; to enumerate the goals of this act; to amend section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years may under certain circumstances be granted a teaching certificate pursuant to section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be counted in determining continuing service status; to amend sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975, consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teachers Standards Commission and to provide for the designation or development of an entry-level pre-certification examination for teacher candidates in Alabama; to amend section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided, however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review existing educational programs to ensure that prospective teachers are properly prepared; to amend section 16-35-1, Code of Alabama 1975, as amended, by expanding the courses of study committee; to repeal sections 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6 and 16-40-7, Code of Alabama 1975, effective August 1, 1992; to require the state

board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based accreditation system for all city and county school systems and all public schools to supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this act; to provide that such accreditation standards shall include minimum requirements for science instructors; to require each city or county school system to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools and School Systems"; to require non-accredited and accredited probationary city or county school systems to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such school system and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is falling below the minimum performance standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited school system temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education, to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state-sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to recommend programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a **Schools of Choice plan for use within their respective school systems consistent with** federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans with applicable federal or state court orders including

but not limited to all applicable federal court desegregation orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and retention standards as required by this act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recognize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church-school school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve-clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve-clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirements imposed herein; to identify and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional problems which cannot be met in the regular school program; to direct the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of

implementation of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional development programs to prepare teachers for dealing with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90 percent by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this act, and to require said commission to report its findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandates; to provide the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as "The Alabama Education Improvement Act of 1991."

Section 2. The legislature hereby acknowledges those national education goals established by the President and the nation's governors as standards applicable to public education in this state. As its statement of Alabama's commitment to education improvement, the legislature finds the following education goals to be worthy of recognition herein:

(1) By the year 2000, all children in Alabama should start school ready to learn.

(2) By the year 2000, the high school graduation rate should be increased to at least 90 percent.

(3) By the year 2000, Alabama students should leave grades four, eight and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, history and geography, and every school in Alabama should ensure that all students learn to use their minds well so that they may be prepared for responsible citizenship, further learning and productive employment in our modern society.

(4) By the year 2000, Alabama students should be among the country's leaders in mathematics and science achievement.

(5) By the year 2000, every adult Alabamian should be literate and should possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(6) By the year 2000, every school in Alabama should be free of drugs and violence and should offer a disciplined learning environment conducive to learning.

The legislature further recognizes that fundamental changes must be made in this state's public education system to prepare both children and adults to meet the challenges and opportunities of an increasingly competitive society and world. This act sets goals and standards for student performance in Alabama schools that merit serious pursuit. Attainment of these goals will require a serious reexamination of every aspect of Alabama's education system and some profound changes in our public schools. With the enactment of the following legislation, the State of Alabama responds to the mandate of its citizenry.

Section 3. Sections 16-23-3, 16-3-16, 16-23-14 and 16-23-15, Code of Alabama 1975, are hereby amended to read as follows:

"§16-23-3.

"(a) It is the intent of the legislature that the state of Alabama shall modify its policies relative to the certification of teachers to

permit an expanded alternative certification program for prospective teachers for grades 9 through 12. In addition to certificates issued pursuant to this chapter 23 to persons graduating from approved teacher education programs, the state board of education shall adopt policies, procedures, rules, regulations, and/or standards authorizing an alternative certificate to be issued by the state superintendent of education to an individual person, regardless of whether such person is a graduate of an approved teacher education program, where:

“(1) The person has earned a bachelor’s or higher degree from a regionally accredited university or college; and

“(2) The person has at least twenty-four months of professional or other experience or study in the field or related fields for which he or she is seeking certification; and

“(3) The person is recommended to the state board of education for an alternative certificate by the state superintendent of education upon the recommendation of the city or county school superintendent in whose system such person shall be employed; and

“(4) The person has demonstrated required satisfactory proficiency on any pre-certification examination requirements then existing for teacher candidates in the state of Alabama pursuant to this act.

“(b) Any alternative certificate shall be valid for the period of time as shall be set by policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education but in no event shall such period extend beyond three years from the date of issuance of the alternative certificate.

“(c) Where a person has received an alternative certificate or certificates and has been employed for three consecutive years by one county or city school board, such person may be granted a teaching certificate issued by the state superintendent of education pursuant to section 16-23-1, Code of Alabama 1975, when:

“(1) Approved by the state superintendent of education; and

“(2) Approved according to policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education. Such policies, procedures, rules, regulations, and/or standards shall require that the recipient of an alternative certificate successfully complete no more than the equivalent of twelve semester hours of college course work in education related courses, as may be determined by the state board of education based upon factors such as the recipient’s individual educational background, prior to the issuance of a teaching certificate pursuant to section

16-23-1, Code of Alabama 1975.

“(d) Any person granted a teaching certificate issued by the state superintendent of education pursuant to section 16-23-1, Code of Alabama 1975, following the receipt of an alternative certificate, as herein provided, shall be eligible to attain continuing service status pursuant to chapter 24, Title 16, Code of Alabama 1975. Time served as a teacher pursuant to an alternative certificate shall be counted in determining continuing service status pursuant to section 16-24-2, Code of Alabama 1975.

“(e) The state superintendent of education in cases of emergency when certified teachers, including teachers who may have received alternative certificates pursuant to this section, are not available may grant emergency certificates of the different kinds and grades, but any such emergency certificate shall not be valid for a period to exceed one year but shall expire at the end of the scholastic year for which it is issued, and such emergency certificate shall not be extended or renewed. Time served as a teacher pursuant to an emergency certificate shall not be counted in determining continuing service status pursuant to section 16-24-2, Code of Alabama 1975.

“(f) Any alternative certificate issued pursuant to this section shall be limited to persons teaching grades nine through twelve; provided, however, that an alternative certificate may be issued for persons teaching grades kindergarten through eight if limited to the subject areas of the fine arts and/or foreign languages.”

“§16-3-16.

“(a) Subject to the provisions of chapter 23 of this title, the state board of education, through its executive officer, shall prescribe rules and regulations governing the training and the certification of teachers in the public schools of the state, and for the acceptance of the diplomas of the colleges and universities of Alabama, as well as of other states. The state board of education, with the advice of the state superintendent of education, shall have full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special, alternative, and emergency certificates consistent with the provisions of chapter 23 of this title.

“(b) Alabama shall use certification by the National Boards of Professional Teaching Standards as national reciprocity when national certification has been fully implemented.”

“§16-23-14.

“For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in

the public schools, the state board of education shall, subject to other provisions of this chapter 23, authorize and prescribe minimum requirements on courses of study, organization, qualifications of instructors, buildings and equipment and sanitary conditions, and it shall be the duty of the state superintendent of education or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the state board of education relating to the preparation of teachers, look into the character of work being done and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state."

"§16-23-15.

"It shall be the duty of the state superintendent of education, or his professional assistants, to exercise general supervision over the teacher-training institutions under the control of the state board of education subject to other provisions of this chapter 23. The state superintendent of education, together with the deans or directors of the schools of education in the state-supported institutions of higher learning, shall constitute an advisory council on teacher-training."

Section 4. (a) The legislature finds that Alabama is alone among the Southern states in not testing teacher candidates before allowing them in the classroom, and acknowledges that the need exists to establish, maintain and enforce minimum professional standards for teacher candidates in the state of Alabama. In response to such need, there is hereby created a Professional Teachers Standards Commission (the Commission) for the state of Alabama. The Commission shall consist of eleven members appointed by the governor in the following manner: the Alabama Congress of Parents and Teachers Association, Alabama School Board Association, Alabama Council for School Administration and Supervision, Alabama Education Association, and the Alabama Association of Colleges for Teacher Education shall each designate a representative that together shall form a nominating committee which shall meet at the call of the governor and submit to him a list of twenty names to be considered for initial appointment to the Commission. All such nominees shall have demonstrated experience and ability in the science of test development and administration. Such names shall be submitted to the governor within thirty days immediately following the effective date of this act. If nominations are not received by the governor within such thirty-day period, he shall proceed to make such appointments by the various categories as described below from his own selection. The nominations shall include an appropriate number of

names to ensure the selection of three practicing elementary teachers (grades kindergarten through five), one practicing middle school teacher (grades six through eight), and two practicing secondary teachers (grades nine through twelve); two school administrators consisting of one school principal and one school superintendent; one member from the faculty of a teacher preparation program; and one member of a local board of education. In addition to the foregoing ten members, the governor shall appoint one member from his own selection, which member shall serve at the pleasure of the governor. Four of the members initially appointed shall serve for three years, four shall serve for two years, and three shall serve for one year. Thereafter, the terms of all members shall be for three years. The governor shall designate at the time of the initial appointments which members' terms shall be for one, two or three years in duration. At the expiration of the term of any appointee, other than the governor's discretionary appointee, the nominating committee shall recommend to the governor at least two persons for appointment to the position created by the expired term. Vacancies occurring on the Commission shall be filled from the same respective categories as described above and the replacement or reappointed member(s) of the Commission shall serve for the remainder of the unexpired term of his or her predecessor. The governor may reject any name(s) submitted by the nominating committee and in such a case the governor shall call upon the nominating committee to submit additional names for the initial appointees or additional names for the filling of any vacancy on the Commission. No member of the Commission shall serve more than two full terms.

(b) The legislature recognizes that the National Teacher Examination (NTE) or some component thereof is utilized as an examination for teacher candidates in 33 states, including the majority of our surrounding Southern states. It is therefore the intent of the legislature that the Commission select a nationally recognized pre-certification examination such as the NTE for initial certification of teacher candidates in Alabama. The Commission is directed to determine the conditions, if any, which must be satisfied for use of the NTE for the purposes set forth herein. The Commission is further authorized to utilize all means necessary to comply with such conditions so as to allow usage of the NTE as an entry-level pre-certification examination for teacher candidates in Alabama, or to otherwise promote full implementation of this section.

In the event that the Commission is prohibited from utilizing the NTE, its successor examination, or a component of either, for pre-certification, after exhausting all available remedies, then the Commission is authorized to designate or develop a pre-certification examination. Such examination shall adhere to generally

accepted test construction methodology and those test construction practices reflected in the NTE, and shall permit evaluation of functional academic skills of teacher candidates including but not limited to, reading, writing and mathematics.

(c) Any pre-certification examination designated or developed pursuant to this act shall be administered by the Commission to all teacher candidates seeking certification for the 1994-95 school year. Candidates must demonstrate required satisfactory proficiency, as determined by the Commission from time to time, on such examination prior to becoming eligible to receive a certificate pursuant to Title 16, chapter 23, Code of Alabama 1975; provided, however, that such satisfactory proficiency shall not be required for persons to become eligible to receive emergency certificates pursuant to section 16-23-3, Code of Alabama 1975. Candidates shall have only five opportunities to demonstrate the required satisfactory proficiency, and if such candidate fails to demonstrate the required satisfactory proficiency in the fifth attempt, such candidates shall not be eligible for certification in the state of Alabama.

(d) It is the intent of the legislature that Alabama teacher preparation institutions support the performance of their graduates on such pre-certification examinations and such institutions shall be responsible for providing remediation without any cost to the student who has successfully completed all course requirements for the teacher preparation program but has failed the pre-certification test. The failure of any institution to comply with the provisions of this act shall be grounds upon which the institution's rights to prepare teachers may be withdrawn. It is the intent of the legislature that upon the designation or development of a pre-certification examination for initial certification of teacher candidates, the Commission shall then proceed to address the improvement of standards for teacher preparation programs. As a result of the administration of the test and to the extent fewer minorities are licensed to teach in Alabama, the Commission shall develop a remedial plan which will be implemented by teacher preparation institutions.

(e) Scores from the tests required under the provisions of this act shall be reported to and kept by the Commission. Scores shall be given to the candidates tested. Personally identifiable scores shall not be open or made available to the public, but reports may be prepared and released by the Commission with respect to overall results of scores. Reports of scores as authorized herein may be made at such frequency as the Commission may deem appropriate.

Section 5. Sections 16-3-15 and 16-35-1, Code of Alabama 1975, are hereby amended to read as follows:

“§16-3-15.

“(a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

“(1) ‘Required courses’ means courses which are mandatory and required to be taken by every student enrolled in public schools in the state of Alabama, grades 9 through 12.

“(2) ‘Elective courses’ means courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the state of Alabama,

“(b) The Alabama legislature finds that Alabama students must become more literate in the basic skills needed to compete successfully in an increasingly global economy. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the state board of education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language. The legislature further finds that students in Alabama schools are not receiving an adequate social studies education. The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade and prior to graduation. The legislature further finds that special attention must be given to the Alabama course of study in science. The state board of education shall mandate but not be limited to requiring the following courses for grades 9 through 12 in all public schools in the state of Alabama, phased in beginning with students entering ninth grade in the 1992-93 academic year:

“(1) Four years (equivalent of four credit units) of English;

“(2) Four years (equivalent of four credit units) of mathematics, including but not limited to material designed to ensure that no high school student fails to learn basic mathematical skills and computer literacy;

“(3) Four years (equivalent of four credit units) of science; and

“(4) Four years (equivalent of four credit units) of social studies with an emphasis on history, geography, economics and political science. History courses shall include material on the history of the United States and the Constitution of the United States. The Legislature further recommends that the curriculum content of American History shall include the teaching of important historical documents such as the Constitution of the United States, The Declaration of Independence, The Emancipation Proclamation, The Federalist Papers, and other such documents important to the history and heritage of the United States.

“(c) It is the intent of the legislature that the content of the required courses be developed based on the learner outcomes as defined in section 7. These learner outcomes shall be based on criterion-referenced tests. Furthermore, credit for required basic core academic courses may be earned in conjunction with vocational courses and/or programs. The legislature further recognizes that the required courses may make it difficult to schedule students in vocational programs earning two or more credits annually. It is the intent of the legislature that local boards of education continue to offer and schedule students into such vocational programs. Therefore, the legislature directs the state and local boards of education to develop flexible scheduling, integrated curriculums, and all other methods necessary to ensure the continued successes of such vocational programs.

“(d) It is the intent of the legislature that, in addition to the required courses, elective courses including but not limited to foreign languages, fine arts, physical education, vocational and technical preparation, be available to all students.

“(1) The state board of education may approve any elective courses as it may deem appropriate for public schools in the state of Alabama.

“(2) In the event a city or county board of education has met all performance-based accreditation standards and promotion and retention standards contained in this act and all other such provisions of the Code of Alabama 1975, such local board may approve elective courses in addition to the required courses set forth in this section and elective courses approved by the state board of education pursuant to subdivision (1) of this subsection; provided, however, that if a local board approves an elective course previously approved by the state board of education, then, in that event, the local school board is required to use any course content approved by the state board of education for such elective.

“(3) In the event a city or county board of education has not met all requirements of performance-based accreditation standards and promotion and retention standards contained in this act and all other such provisions of the Code of Alabama 1975, such local board shall offer only elective courses approved by the state board of education pursuant to subdivision (1) of this subsection.

“(e) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to require that:

“(1) The required courses set forth in this section must be taken by every student enrolled in grades 9 through 12 of public schools in the state of Alabama, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(2) The required courses set forth in this section must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year; provided, however, students identified as eligible for special education services as provided by federal and state law shall be required to meet the provisions set forth in the individual education plan prescribed to meet their individual needs as required by law.

"(3) A certain number of elective courses must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(4) Other provisions which may be necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section.

"(f) The state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the state board of education. Moreover, the state board of education shall require the following courses for grades one through eight in all public schools in the state, phased in beginning with students entering grades one through eight in the 1992-93 academic year: English, social studies, mathematics, and science should be taught each year in grades one through eight. English courses shall include but not be limited to material designed to develop language arts, such as reading, writing, speaking, and listening skills.

(g) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics and science teachers in order to ensure that such prospective teachers are properly prepared to teach the courses required by this section."

"§16-35-1.

"The state board of education shall appoint a courses of study committee as set forth below for the purposes and functions as hereinafter provided. The state courses of study committee shall consist of 28 members to be selected as follows:

"(1) One elementary teacher (grades k through 6) and one secondary teacher (grades 7 through 12) from each of the seven congressional districts who are teaching in the course of study areas to be revised during their terms of office;

"(2) Four members from the state at-large actively engaged in a supervisory or administrative capacity in the field of education and who are knowledgeable or who have had previous teaching experience in the course of study areas to be revised during their term of office;

"(3) Three members who are employees of state institutions of higher learning who are specialists in the course of study areas to be revised during their terms of office; and

"(4) Seven additional members appointed by the Governor, one from each of the seven congressional districts, each of whom shall be either a business or professional representative not employed in the field of education. The Governor's appointees shall have expertise and be actually involved in the course of study field under consideration and shall be confirmed by the Senate.

"Additional standards for membership on the courses of study committee may be established by the state board of education other than those prescribed hereinabove. Said standards shall be sent to every local board of education and every county and city superintendent.

"Local boards of education, through their superintendents, shall nominate persons to serve on these committees. Local boards shall furnish credentials of each person recommended, including a summary of each person's qualifications for membership in the committee. All nominations along with said credentials shall be forwarded to the state superintendent of education. The state board of education, upon the recommendations of the state superintendent of education, shall appoint all members of the state courses of study committee from the nominees made by the local boards of education. **The Governor's appointments need not be nominated by a local board of education, nor recommended by the state superintendent of education, nor approved by the state board of education.**

"The term of office of the members of said committee shall be for a period of one year, beginning on the first day of May 1984; provided, however, that the terms of office for the Governor's initial

appointees shall begin immediately upon their initial appointment. The members shall hold office until their successors are appointed."

Section 6. Sections 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6 and 16-40-7, Code of Alabama 1975, are hereby repealed effective August 1, 1992.

Section 7. The state board of education shall by October 1, 1992, adopt learner outcomes that clearly define what Alabama students must know and be able to do in order to be competitive nationally and internationally. The learner outcomes must be linked to expectations for success in college and the world of work. Board policies are to require mechanisms to receive feedback from higher education institutions and the business community to the public schools of the state of Alabama. It is the intent of the legislature that the state board of education clearly define what a high school graduate in the state of Alabama is expected to know and be able to do.

Section 8. The legislature directs the state board of education to eliminate the social promotion of students by strengthening the promotion and retention standards required of all local school systems. Such policy shall provide that no student shall be allowed to pass to a higher grade or course level so long as he or she fails to achieve at grade level or fails to master the established standards for a particular grade level, level of learning or subject matter content achievement level. The decision as to whether to promote a kindergarten student to Grade 1 shall rest solely with that student's kindergarten teacher and school principal. Such decision shall be final. Any appeal of this decision must be made to the local school board and any vote to overturn such decision must be taken by said board in a public meeting and must be by majority vote of said board. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of section 41-22-3(3), Code of Alabama 1975. The legislature recognizes that increased academic requirements, as required by section 5 of this act, linked to the establishment of promotion and retention standards, as measured by the program for assessment of student achievement, in section 9 of this act, may increase the dropout rate for students in the public schools of the state of Alabama. It is the intent of the legislature that alternative academic programs shall be established and available to all students prior to the implementation of increased academic requirements and expectations for students. Local boards of education shall provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning or course content.

Section 9. (a) The state board of education shall continue the development and implementation of a valid and reliable program for assessment of student achievement. This comprehensive assessment program shall include but not be limited to:

(1) normed-referenced assessments to measure student achievement and school ability as compared to a recently normed national sample of similar students;

(2) grade level criterion-referenced assessments to measure student performance based on standards established by the state board of education in core curriculum subjects; and

(3) criterion-referenced assessment to measure student performance on minimum standards established by the state board of education at elementary, middle, and high school grades and for graduation from high school. At least one of the three assessment examinations described in the preceding sentence shall be administered each year to each student in the second through the eleventh grades in each public school. The graduation examination shall be administered to students in the eleventh and twelfth grades. Students who failed to achieve at least the minimum score on the graduation examination but met all other requirements for a diploma may be administered that examination although they are not currently enrolled in a public school. Priority in the student assessment program shall be given to the development of criterion-referenced tests in courses contained in the core curriculum. The results of student performance on all criterion-referenced tests shall be correlated in such a way that local school systems may include them among criteria used for promotion and retention decisions. The state board of education shall continually update the assessment program to assure the valid assessment of achievement of students enrolled in public schools.

(b) The state board of education shall develop and implement an aptitude program with accompanying interest survey for entering ninth graders. The results of these assessments shall be used in the development of high school students' programs of study and for career planning.

(c) It is the intent of the legislature that a high school diploma earned in the public schools of the state of Alabama reflects the ability of our graduates to have achieved the required twelfth grade skills and knowledge. The legislature directs the state board of education to continue to revise and raise the level of expectation for students taking the high school graduation examination to ensure that the examination measures skills and knowledge that are expected of high school graduates. Accordingly, the state board of education shall establish a goal of increasing the scale score for

passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992. It is the intent of the legislature that the minimum competency skills as measured by this exam be increased to ensure that the recipient of a high school diploma has reached a higher level of competency. It is further the intent of the legislature that a higher academic performance will be expected of students receiving a high school diploma.

(d) The state board of education shall require that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in the pre-ninth grade test of basic skills as prescribed in subsection (b) above and must not be deficient in credits earned in the academic course requirements.

Section 10. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "Accreditation" or "Accredited" means that a city or county school system has been determined to meet the requirements for accreditation under the accreditation system. An accredited school system may be further classified as excellent, satisfactory, or probationary by the state superintendent of education as provided by this section.

(2) "Accreditation System" means the state board of education's accreditation system in effect as of January 1, 1991, as supplanted by the performance-based accreditation system to be established by the state board of education pursuant to this section.

(3) "Education Improvement Plan" means an educational improvement plan developed by a non-accredited, or an accredited probationary, city or county school system pursuant to this section.

(4) "Intervention" means action by the state superintendent of education to temporarily assume the responsibility for the operation and control of one or more public schools under the jurisdiction of a non-accredited city or county school system pursuant to this section.

(5) "Non-accredited" means that a city or county school system or one or more public schools have not met the requirements for accreditation under the accreditation system.

(b) The state board of education shall, on or before January 1, 1992, establish a performance-based Accreditation System for all

city and county school systems and all public schools, which shall supplant the existing accreditation system, to comprise the state of Alabama public school accreditation system. Each city and county school system and each public school shall be required to be accredited by the state board of education under the accreditation system in accordance with the provisions of this section. The accreditation system shall measure the academic performance, in the required courses of study, of each school and school system throughout the state. When the state board of education has determined that a city or county school system and all of the public schools under its jurisdiction have satisfied all requirements for accreditation, which determination shall be made in accordance with and pursuant to this section, such city or county public school system shall be certified by the state board of education as accredited.

(c) The state board of education shall establish specific guidelines and minimum performance levels which reflect the standards required for accreditation. Such standards for accreditation established by the state board of education shall be directly linked, but not limited to, the student assessment program as provided for in this act. Such standards for accreditation established by the state board of education shall further include, but not be limited to, the requirement that each city and county board of education and, where appropriate, the public schools under its jurisdiction shall:

(1) Provide acceptable facilities conducive to an effective teaching and learning environment, including safe buildings having adequate space, heating and air conditioning, restroom facilities and sanitary conditions;

(2) Comply with the requirements of federal and state governments and agencies and the state board of education with respect to the condition and safety of vehicles, scheduling of routes, training and licensing of drivers and load capacity of buses;

(3) Adhere to the attendance laws of the state and maintain a proper reporting of attendance;

(4) Adhere to the courses of study, curriculum offerings, academic and graduation requirements, guidance and counseling services, testing programs and special educational requirements for all students identified as needing such services, in accordance with this act and state board of education policy. The state board of education shall specifically require that instruction in science in grades one through six shall be taught by teachers who have obtained a minimum of 12 semester hours or 18 quarter hours of science. It is the intent of the legislature that the teacher training institutions prepare all early childhood and elementary certified

teachers to have a broad knowledge of science with emphasis on general, environmental and basic science. It is further the intent of the legislature that the state science course of study committee develop and recommend to the state board of education an early childhood and elementary science program of instruction with a sequential development of science skills and knowledge. The state board of education shall also incorporate into the performance-based accreditation standards, as provided in this section, a requirement that all elementary schools have approved science laboratory facilities for the proper teaching of elementary science courses. It is the goal of the legislature that the provisions of this subsection be fully implemented by the school year 1997-98.

(5) Assure that adequate resources for instruction are provided, including textbooks, instructional supplies, community resources, financial allocations for teachers' salaries and other instructional support;

(6) Adhere to the state board of education's requirements pertaining to all instructional personnel, including proper certification, assignment, in-service/professional development, evaluation, compensation and instructional competence;

(7) Provide all administrative and supervisory personnel with leadership and management training;

(8) Adopt an evaluation plan to assess the job performance of teachers, supervisors and principals in accordance with this section; and

(9) Prepare an annual educational status report as required by law and regulations adopted by the state board of education. Such status report shall include an assessment of student performance by school and an evaluation of system-wide student performance. Such performance shall be evaluated on criteria established by the state board of education, which criteria shall include, but not be limited to, the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher and student satisfaction; parental involvement; and other performance measures deemed appropriate by the board.

(d) Each city or county school system shall submit to the state board of education for each public school within its jurisdiction such information as may be required by the state board of education to determine its accreditation status pursuant to this section. This report shall include specifics regarding any public school and any aspect of that school's program, particularly poor student performance, which fail to adhere to the accreditation requirements. This

report shall be widely disseminated to the public and discussed by the city or county board of education at a public meeting.

(e) The state superintendent of education may, with the consent of the state board of education, waive compliance with any of the requirements of subsection (c) of this section which the state superintendent of education determines to be impossible of performance without additional state or local funds.

(f) The accreditation system adopted by the state board of education pursuant to this section shall provide procedures for the periodic review and evaluation of each city or county school system and each public school to determine its accreditation status. Such procedures shall include one or more unannounced on-site visits to each city or county school system and each public school by an educational compliance review team selected and appointed from time to time by the state superintendent of education. The state superintendent of education shall determine whether the city or county school system or the public school, as the case may be, has met the standards and minimum performance levels to be accredited. The state board of education shall also adopt a method whereby the state superintendent of education shall classify those schools and school systems deemed to be accredited as excellent, satisfactory, probationary or any other terms or classifications deemed appropriate by the state board of education. The performance of schools or school systems and their accreditation status and classification, along with any other information deemed necessary by the state board of education to adequately inform and help the public accurately evaluate the performance of local schools and school systems, shall be reported to the public each year and made known to the media on a specified date annually. This annual report shall be known as the "Report Card on Our Schools and School Systems."

(g) The state board of education shall also establish a procedure whereby any person can lodge a complaint against any school or school system if such person has a reason to believe that the performance-based standards established herein are not being complied with and such complaint will be properly investigated and a determination made as to whether such complaint is justified. Such a procedure should establish that such complaint shall first be investigated by the local school system.

(h) In the event that the state superintendent determines that the city or county school system or the public school, as the case may be, has not met the standard and minimum performance levels to be accredited, the city or county school system or, in the case of a determination with respect to a public school, the school system having jurisdiction over such public school shall be declared to be a non-accredited school system.

(i) A non-accredited, or an accredited probationary, city or county school system shall develop an Education Improvement Plan subject to the approval of the state superintendent of education designed to cause the such board of education and each public school under its jurisdiction to meet the standards and minimum performance levels to be accredited without probationary status within the time period specified, not to exceed three years. The state superintendent shall provide necessary technical assistance in developing the Education Improvement Plan.

(j) The state superintendent of education shall provide consultation, training, and technical assistance to each non-accredited, or accredited probationary, school system to assist in the implementation of an Education Improvement Plan until the expiration of the time period specified in the plan or until it is determined by the superintendent that the school system is unable or unwilling to meet the standards and minimum performance levels to be accredited.

(k) The legislature intends that the purpose of this section is to provide early warning, intervention, remediation, and receivership for schools and school systems deemed deficient under the performance-based accreditation system established herein. Therefore, in the event that a non-accredited, or an accredited probationary, school system fails to implement an Education Improvement Plan within the time period specified in the plan, or the state superintendent of education determines that the non-accredited school system is unable or unwilling to meet the standards and minimum performance levels to be accredited or satisfactory, the state superintendent of education, acting with the approval of the state board of education, may intervene in the operation of such school system to temporarily limit or supersede the authority of the board of education over one or more public schools under its jurisdiction. The state board of education shall determine, upon the recommendation of the state superintendent of education: (1) whether the intervention shall be total intervention over all programs or partial intervention in specified program areas of operation; (2) the terms of the intervention; and (3) the length of the intervention. Prior to intervention, the state superintendent of education shall notify such non-accredited or probationary school system in writing of the proposed intervention and hold a public hearing in accordance with regulations adopted by the state board of education.

Section 11. The state board of education shall adopt or modify its policies, regulations, or procedures so as to require that school terms in the public schools of this state are not less than 176 actual teaching days for the 1992-93 scholastic year, with one

additional teaching day added to the school terms for 1993-94, 1994-95, and 1995-96, so that the school term in 1995-96 shall be not less than 179 actual teaching days. As used in this section, "actual teaching days" shall be exclusive of institutes, conferences, conventions, and holidays. Any employee required to work an additional day or days above such employee's present contract days shall be compensated with a corresponding additional day's or days' pay in addition to any cost-of-living adjustment provided by the legislature.

Section 12. (a) The legislature finds that there is at present a need in Alabama to coordinate, at the state and local level, the efforts of existing providers of services supporting early childhood development and family involvement in education.

(b) There is hereby established the Alabama Council on Family and Children to be composed of the Governor, who shall be chairperson; the State Superintendent of Education; the Commissioner of the Department of Human Resources; the State Health Officer; the Commissioner of the Department of Mental Health and Mental Retardation; the Chairman of the Children's Trust Fund; and the Director of the Department of Youth Services, or their designated representatives, and one additional member from each congressional district to be appointed by the Governor. Said council shall exist for the purpose of coordinating existing services, at the state and local level, supporting early childhood development and family involvement in education and assessing existing programs.

(c) On or before June 30, 1992, the Alabama Council on Family and Children shall submit to the Governor and the legislature a plan which shall include, but not be limited to, recommendations concerning the following:

(1) Federally sponsored "Head Start" programs for children in Alabama qualified thereunder;

(2) State-sponsored "Head Start" type programs for other four-year-old children who do not qualify for federally sponsored Head Start. Such recommendations may include the establishment and implementation of pilot programs in at least ten city or county school systems by the 1993-94 school year; and

(3) The establishment of criteria for recognizing pre-school students in need of readiness skills and the development of summer programs to aid such student.

(d) The Alabama Council on Family and Children shall recommend to the state department of education and the advisory council on teacher-training created by section 16-23-15, Code of Alabama

1975, programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development.

Section 13. Section 16-28-4, Code of Alabama 1975, is hereby amended to read as follows:

“§16-28-4.

“(a) A child who is six years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter. A child who is under six years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils.

“(b) A child who is five years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an underage child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school kindergartens of another state, upon successful completion of the kindergarten in the local public schools, will then be allowed admission to the first grade of the local public schools.

“(c) Students who were four years of age on or before October 1, 1989, and are enrolled in a public, private or church four-year-old program or kindergarten during the 1989-90 school year will be allowed to enroll in a five-year-old public kindergarten, applicable only for the 1990-91 school year and to enroll in grade one of a

public school, applicable only for 1991-92 school year. Students who are already enrolled in a public, private or church kindergarten will be allowed to enroll in grade one of a public school, applicable only for the 1990-91 school year.

“(d) No public school system shall lose any teacher unit as a result of this section. The state board of education is authorized to adopt policies for local boards of education for the implementation of this section.”

Section 14. It is the intent of the legislature that parents and students have a greater choice in the kinds of public educational programs.

(a) The following words and phrases used in this section shall, in the absence of a clear indication otherwise, be given the following respective interpretations:

(1) “Schools of choice” means an educational plan, including but not limited to magnet school programs and/or alternative school programs, designed to allow parents or guardians of school aged children to choose which public schools their children will attend within a particular county or city school system. Moreover, schools of choice plans may include but shall not be limited to further development of alternative academic programs, vocational schools, fine arts curricula, gifted student programs, post secondary/secondary early option programs, programs such as the Alabama High School for Math and Science, and the Alabama School of Fine Arts, and any other programs that improve and enhance education.

(2) “School system” means the public schools included under the general administration and supervision of a particular county or city board of education.

(b) County and city boards of education are hereby authorized to develop, adopt, and implement a Schools of Choice plan for use within their respective school systems; provided, however, that no such Schools of Choice plan shall be implemented by a county or city board until:

(1) Such plan is adopted by either:

a. a resolution of the respective county or city board of education; or

b. a majority of the voters residing within the geographic jurisdiction of the particular county or city board of education at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws as set forth in sections 17-18-1 through 17-18-7, Code of Alabama 1975.

(2) Such plan is in full compliance with all federal or state court orders affecting the respective city or county board of education, including but not limited to all applicable federal court desegregation orders.

(3) Such plan is in full compliance with all applicable federal and state constitutional, statutory, and administrative provisions of law.

(c) Any county or city board of education which adopts a Schools of Choice plan, as set forth herein, whether by resolution or referendum, shall immediately notify the state superintendent of education of the adoption of such plan. Such notification shall include a statement from the particular county or city board of education certifying that such plan is in full compliance with all federal or state court orders affecting the particular city or county board of education, including but not limited to all applicable federal court desegregation orders, and all applicable federal and state constitutional, statutory, and administrative provisions of law.

(d) The state superintendent of education shall submit an annual Schools of Choice report prior to August 1 of each year to the state board of education which shall:

(1) List each and every city or county board of education which has notified the state superintendent that the respective city or county school board has adopted a Schools of Choice plan. Such list shall include a summary of the contents of each particular Schools of Choice plan.

(2) Set forth any recommendations of the state superintendent of education regarding the development, adoption or implementation of then existing or future Schools of Choice plans.

(e) The provisions of this section shall not be used to reduce the minority-majority ratio of any school in a school district which adopts a schools of choice plan.

Section 15. The legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the state of Alabama. The state board of education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the state of Alabama. Parents shall be held accountable in accordance with sections 16-28-12 and 16-28-7, Code of Alabama 1975, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

Section 16. (a) The legislature finds that we live in an increasingly complex and highly technical society and that additional instructional initiatives are required at this time.

The legislature further observes that these new instructional technologies include computers, interactive videodisc, CD-ROM, electronic telecommunications and networking via modem, and satellite-based interactive instruction.

The legislature recognizes that teachers in preparation programs (pre-service) and experienced teachers need to have continuing information about technology. Technology training must become an integral part of the teacher preparation program and must be seen as an instructional tool rather than the subject of instruction.

The legislature finds it is necessary that all students graduating from our high schools in the future be technologically literate. Therefore, the legislature directs that:

(1) The state board of education shall develop an in-service plan for professional development of teachers currently employed in the public schools of Alabama and shall ensure that each is computer literate and adequately prepared to integrate computer technology into every applicable phase of classroom instruction;

(2) The state department of education shall develop procedures by which each institution of higher education in Alabama that has responsibility for preparing teachers, supervisors, and administrators integrates into its teacher education program technology training;

(3) The state board of education shall develop standards and review procedures for the plans of all new K-12 buildings and all major renovations to ensure that these facilities take advantage of the new and developing information technologies. These standards shall include but not necessarily be limited to coaxial cabling for all classrooms and laboratories, internal telephone networking for all classrooms and laboratories to provide voice and data capability, safe and secure locations for the placement of satellite dishes, sufficient electrical outlets, and the like;

(4) The state board of education shall provide a plan for the cooperative development and execution of research, demonstration, evaluation, and dissemination of activities related to the effective use of technologies in teaching and learning. These activities shall be planned, designed, and carried out in cooperation with the existing Alabama Regional Inservice Centers (ARIC) and local school systems;

(5) The Alabama Regional Inservice Centers shall develop a plan with budget requirements which will provide technical assistance to

other units within their host universities to improve the quality of instruction—particularly as it relates to the use of technology—at all levels and in all curricula which impact the teacher preparation program. It is the intent of the legislature that this form of assistance will be exclusively in the area of consultation and technical assistance. No ARIC funds shall be used to provide hardware, software, instructional materials, or in any way supplant these functions of those units receiving technical assistance;

(6) The state board of education shall have local school systems inventory on an annual basis their computer and related interactive instructional equipment and compile a report for the state superintendent to submit to the Governor and the legislature. This report should reflect the adequacy or inadequacy of available instructional hardware and software and should project a short-range and long-range acquisition plan for additional materials; and

(7) The state board of education shall develop an approved format for the development of long-range technology plans to be submitted by each school district. It is the intent of the legislature that this plan includes long-range goals, specific curricular objectives, hardware requirements, software needs, and training needs. The state superintendent of education shall submit to the Governor and the legislature the plan of action and the funding requirements at the budget hearings for the 1993 Regular Session of the legislature.

(b) The legislature observes that Alabama schools and students would benefit from a coordinated educational technology plan. This plan should be based on a strong commitment to make it possible for all schools to have the benefit of modern technology and shall be submitted to the Governor and legislature during the 1992-93 budget hearings for approval and funding. The legislature directs the state board of education to:

(1) Encourage and coordinate the application of new technologies in the schools;

(2) Support educational technology by developing a plan to maximize the use of technology in the classroom;

(3) Support educational technology by seeking private funding sources for schools;

(4) Strengthen and broaden curricula and professional staff development by maximizing the use of distance learning for students, teachers, and administrators;

(5) Use technology to promote fundamental changes in the learning process;

(6) Use technology to improve teaching and learning;

(7) Use technology to improve efficiency in productivity in education administration;

(8) Develop a plan to enhance student learning in elementary grades through the use of computer software programs that assist in skill development in reading, writing, mathematics, and other subject matter as approved by the board;

(9) Consider the standards for equipment purchased in the future to maximize the exchange of software programs;

(10) Direct the state department of education in collaboration with local school systems to develop computer software libraries;

(11) Develop a plan to equip all school libraries with computers and networking capabilities to enhance student learning;

(12) Develop a plan to maximize efficiency of local child nutrition programs through the utilization of computers;

(13) Develop a plan for the utilization of student records and develop capabilities of electronic transfers of information for all school systems;

(14) Develop a plan to make available to all students information on scholarships and courses;

(15) Develop a plan to equip appropriate vocational courses taught in the secondary schools with modern technology and computers; and

(16) Develop a plan for the establishment of computer laboratories to be made available to all students and to provide a computer in the classroom for each teacher.

Section 17. (a) The state board of education shall establish a Council on Adult Education prior to October 1, 1991. The membership of the council shall be as follows:

(1) The Governor or his designated representative;

(2) The State Superintendent of Education;

(3) The Chancellor of the Alabama Department of Post-secondary Education;

(4) The Executive Director of the Alabama Commission on Higher Education;

(5) A member of, as selected by, the Alabama Council for School Administration and Supervision;

(6) A member of, as selected by, the Alabama Association of School Boards;

(7) A member of, as selected by, the Alabama Education Association;

(8) A member of, as selected by, the Alabama Parent Teacher Association;

(9) The director of the Alabama Department of Economic and Community Affairs;

(10) The Governor's Education Liaison; and

(11) Five members of the business/professional community appointed by the Governor.

(b) The Council on Adult Education, created by this section, shall:

(1) Develop long-range recommendations, for submission to the legislature and the state board of education, designed to establish a coordinated system of adult education in the state of Alabama, including a full assessment of the costs of any such recommendations;

(2) Develop recommendations, for submission to the legislature and the state board of education, designed to coordinate existing adult education programs offered by the state of Alabama through different agencies;

(3) Inventory all existing adult education programs in the state of Alabama and recommend to the legislature and the state board of education whether such programs should be abolished, expanded, or continued at present levels;

(4) Develop recommendations, for submission to the legislature and the state board of education, to encourage business and industry to employ participants in adult education programs;

(5) Establish priorities and performance standards prior to December 31, 1992, and design measurement devices and procedures to determine level of accomplishing specific objectives; and

(6) Complete the above directives and submit a written annual report to the legislature and the state board of education beginning with the 1993 Regular Session of the legislature.

(c) The Council on Adult Education, created by this section, shall be provided with support staff by the Alabama department of postsecondary education and the state department of education.

Section 18. (a) Each public school instructor, teacher, supervisor or administrator within this state shall attend a minimum of twelve-clock hours of approved instruction in professional development in each school year beginning with the 1992-93 school year.

(b) The Alabama state board of education shall and must provide courses of instruction in professional development at reasonable times and places not less frequently than once a year. Courses of instruction to be provided shall include, but not be limited to, the following subjects:

- (1) Curriculum updates;
- (2) Recent developments in academic course subject matter;
- (3) Methods of instruction;
- (4) General school improvement; and
- (5) Use of technology.

The legislature specifically directs the state board of education to develop in-service and professional development activities to ensure that current elementary school teachers are properly prepared to teach the Alabama course of study in science, mathematics and social studies.

(c) One-clock hour will be given for each actual hour attended in instruction in professional development at professional development programs approved by the state superintendent of education. Hours in excess of the twelve-clock hours minimum annual requirement may be carried forward for credit in the next succeeding year only.

(d) Any public school instructor, teacher, supervisor or administrator who fails to earn twelve approved professional development hours by June 15 of a particular year will be deemed not in compliance for that year. A plan for making up the deficiency may be accepted if a deficiency plan is received by the local superintendent of education by June 30.

(e) On or before August 15 of each year each local superintendent of education shall submit to the state superintendent of education a written report of any public school instructor, teacher, supervisor or administrator who failed to earn twelve approved professional development hours during the past school year. The state superintendent of education shall then notify the said employee in writing of his/her failure to complete the required professional development and establish a deadline by which the employee must be in compliance.

(f) No purchase of materials shall be required at any program of instruction in professional development sponsored by the Alabama state board of education.

(g) The state board of education shall study programs of instruction in professional development designed to develop leadership

skills for school system administrators and principals which utilize expertise from private industry.

(h) To further assist public school personnel in fulfilling the mandatory professional development requirements imposed by this section, the state board of education shall:

(1) Develop a comprehensive evaluation system for all professional education personnel, beginning with school administrators. The evaluation system should be developed using research-based criteria and should be field-tested and validated through pilot programs,

(2) Upon the recommendation of the state superintendent, develop a plan of professional development for all administrators, supervisory personnel and classroom teachers which should be based upon the results of the individual evaluation from each personnel evaluation system. The plan will include a delivery system for professional development activities that should include a variety of service options including, but not limited to those provided by the regional in-service centers, colleges and universities, local boards of education, and specific topical workshops and seminars presented by professional organizations, lead academy, or recognized professions in the field of education.

(i) The local board of education will have the responsibility of requesting the professional development needs of its system to its assigned regional in-service center. The Alabama regional in-service center shall assist in the design, training, and implementation of new educational technologies for elementary and secondary school personnel. Notwithstanding other legislation, the Alabama regional in-service center should work with the state department of education, school systems and local businesses and industries to determine systematic and cost-effective methods for using a variety of educational technologies to improve teaching and learning in elementary and secondary classrooms,

(j) The Alabama regional in-service centers shall provide when requested, prescriptive in-service training for teachers and administrators based upon personnel evaluation information, using both individual evaluation results and local school district profiles.

Section 19. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "At-risk" shall be defined as, but not limited to:

a. Students who are at least two years behind grade level and are, as a result, older than their peers;

b. Students who have failed to acquire the essential skills needed to stay on grade level;

c. Students who have a history of adjustment or behavioral problems;

d. Students who would be placed on long-term suspension for violations of system regulations;

e. Students who are parents, or who are pregnant;

f. Students whose high school graduation is in jeopardy;

g. Students who are considered at-risk as determined by socio-economic predictive data; and

h. Students who have a history of poor school attendance.

(2) "Dropout" shall be defined as an individual who:

a. Was enrolled in school sometime during the previous school year; and

b. Was not enrolled at the beginning of the current school year; and

c. Has not graduated from high school or completed an educational program approved by the state board of education; and

d. Does not meet any of the following exceptions: transfer to another public school system, private school or other approved education program; or temporary absence due to suspension or school approved illness; or is attending a church-school program.

(b) The legislature finds that students at-risk of school failure can be identified early and can be successful in school if appropriate steps are taken to address their educational needs. Accordingly, the state board of education shall cause programs to be developed and designed to identify at-risk students. Such programs shall emphasize the utilization of school counselors for early identification and intervention with students deemed to be at-risk. The state board of education shall develop pilot programs for providing educational and related services reasonably calculated to enable each child in this state who is at-risk to achieve his or her potential and successfully complete the elementary and secondary curriculum. The pilot programs shall include alternatives to suspension for minor disciplinary and academic infractions. These alternatives may include in-school suspension or short-term placements in the alternative educational program. These alternatives may also include programs for detention after school and on weekends as the city or county board of education shall deem necessary. These pilot programs shall include tutorial and remedial programs

for students who are deficient in the basic skills of mathematics, English, science and social studies.

(c) The state board of education shall develop pilot programs for students who have instructional or behavioral problems which cannot be met in the regular school program. These alternative programs shall be made available to serve students who, because of their disruptive nature, have been removed from the regular class on a temporary basis and placed in the alternative program. This program shall be designed to give the student the maximum amount of academic support and counseling services to enable the student to return to the regular program.

(d) The state board of education shall design, implement and monitor a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived.

(1) The state board of education shall design the pilot program with technical assistance of one or more institutions of higher education in the state and regional or national research agencies which have compiled and analyzed data regarding the impact of class size on academic achievement for at-risk students.

(2) The state board of education shall develop and provide each public school system participating in the pilot program procedures for monitoring student progress as evidenced by student test data and assessing the cost, efficiency and effectiveness of this particular teacher-pupil ratio utilized. Each participating public school system shall submit, beginning June 15, 1992, and annually thereafter, to the state board of education a report respecting any pilot program.

(3) The state board of education shall compile and analyze the information contained in the annual reports submitted pursuant to subdivision (d)(2) of this section and shall, on or before September 30, 1993, submit to the Governor and to the legislature a comprehensive report regarding the impact of class size on academic achievement in the state.

(4) Nothing contained in this section shall be construed as repealing, modifying or altering in any way the provisions of section 16-13-52.1, Code of Alabama 1975.

(e) Funds allocated in the annual education appropriation acts for in-school suspension programs for students with disciplinary problems, for the operation of alternative education programs, or for tutorial or remedial programs must be specifically expended for those program activities or other similar programs designed to meet the same objectives. Any funds not used by the local school system to provide for these programs shall revert to the Alabama

Special Educational Trust Fund. It is the intent of the legislature that these programs as provided in subsection (d) of this section shall be funded by the annual appropriation from the Alabama Special Educational Trust Fund.

(f) The state board of education shall cause programs to reduce and recover dropouts to be designed, developed and pilot-tested in school years 1991-92, 1992-93, 1993-94. In 1991-92 programs shall be piloted in no more than ten schools. In 1992-93 programs shall be piloted in no more than ten elementary, ten middle, and ten high schools, not to exceed a total of thirty schools. In 1993-94 such programs may be piloted in additional schools but in no event shall such programs be piloted in more than 25 percent of the state's schools. In selecting the pilot programs, the latest research on the effectiveness of various strategies to reduce and retrieve dropouts must be considered, including, but not limited to, parental involvement, mentoring, and enrichment programs, including after-school and summer programs and inter-agency teams. Within the three years following the conclusion of the initial three years of pilot testing, dropout prevention and retrieval programs must be implemented in all school systems.

(g) The legislature shall appropriate funds for implementation of pilot programs for dropout prevention and retrieval in school systems and schools. The state department of education, or a school or school system which is pilot testing a dropout and retrieval program, individually or with other participants, may use a portion of the program funds for the purchase of technical assistance during the planning, developing, and implementing of the program. A report on the status of the programs must be provided to the Governor and the legislature by July 1, 1992, and an evaluation report must be provided annually thereafter by July 15, beginning with July 15, 1993.

(h) The state board of education shall approve local school system plans which meet the criteria established by regulation adopted in accordance with this section and shall waive those regulations as requested by the schools and school systems when waiver of the regulations bears a rational relationship to the implementation of the proposed program.

(i) At the conclusion of pilot testing, the state board of education shall also promulgate regulations requiring each school system to develop written objectives and begin detailing plans for a comprehensive dropout prevention and retrieval program using program components found to be effective during pilot testing. Any funds not used by the local school system to provide for the dropout prevention and retrieval program shall revert to the Alabama Special Educational Trust Fund.

(j) An adequate number of schools and school systems selected for pilot testing must be chosen for the purpose of serving as lead schools or school systems. Beginning with the 1992-93 school year, lead schools and systems shall initiate and provide for on-going discussions and work sessions among a network of schools and systems on strategies for implementing programs which are successful in reducing and recovering dropouts. The state board of education shall assist lead schools and school systems in their function as lead schools and systems and shall facilitate the successful operation of the network by distributing funds to the network in accordance with the procedures approved by the state board of education and in accordance with appropriations funded by the legislature. The intent of the legislature is that lead schools or school systems shall develop model programs that may be replicated.

(k) The state board of education shall establish minimum standards for evaluating the potential for success of the school and system dropout prevention and retrieval program. The minimum standards must include outcome measures to be applied to school and system dropout programs within two years after said programs are implemented.

(l) Each year after the 1992-93 school year, the state department of education shall apply the standards set pursuant to subsection (k) to all schools and school systems which have received state funds to operate a dropout prevention and retrieval program for at least two years. When the application of the standards indicate that a school's or system's dropout prevention and retrieval program is deficient, the state board of education shall direct the local school board to (1) study the dropout prevention and retrieval program in the school or system, (2) identify factors rendering the program deficient, and (3) by not later than July 1 submit for approval to the state board of education a plan for corrective action. During the period that a school or system program is designated as deficient, the state department of education shall monitor and provide guidance on the program and the corrective action planned and continuously furnish advice and technical assistance. If a school or system fails to satisfactorily implement the corrective action plan within six months of approval of said plan, the failure must be indicated in the status of the school's or system's accreditation classification. Funds for monitoring and technical assistance under this subsection must be provided by the legislature in the annual appropriations act.

(m) As a further means of assisting students deemed to be at-risk and/or dropouts, the state board of education shall adopt policies and procedures:

(1) To implement a comprehensive career awareness program in middle schools to help students appreciate the value of a high school education and understand the consequences of not acquiring a high school diploma;

(2) To require local schools to place strong emphasis on the utilization of school counselors for early identification and intervention of students deemed to be at-risk;

(3) To utilize the existing in-service education centers and to develop and implement a comprehensive, professional development program that prepares teachers to identify and assist the at-risk student;

(4) To require state and local boards of education to adapt/adopt vocational, technical, and other programs to meet the needs of students at-risk;

(5) To require local school systems to develop plans to redirect resources of the community education program to offer training programs for parents to assist them in dealing with at-risk students and to further encourage parental involvement with all aspects of the total school program;

(6) To require the state and local boards of education to develop at the state and local levels programs to assist pregnant teenagers and teenage parents in acquiring a high school diploma;

(7) To require state and local school boards to encourage business leaders, community organizations and the public media to support education and to convince parents that education is critical to the future of their children; and

(8) To require local school systems to report information on dropouts to the state superintendent of education who shall make an annual report to the governor and legislature.

(n) Further, the legislature intends that all programs implemented pursuant to this section shall be designed to reach the goals of reducing the dropout rate and increasing the graduation rate to 90 percent by the year 2000.

Section 20. It is the intent of the legislature that local school systems be permitted to develop flexible school terms extending over the course of the twelve-month calendar year. School systems desiring to use flexible school terms may utilize such scheduling to develop tutorial programs or innovative programs for at-risk students or students deemed academically deficient and to relieve overcrowded classroom conditions. Local school systems desiring to develop flexible school terms shall, upon approval of the local board of education, submit a plan to the state superintendent of education

and upon his recommendation and approval by the state board of education, the plan shall be adopted. No provision of the act shall be interpreted to require personnel employed in local school systems to work longer than their current contract provides. School personnel may work extended contract periods provided the personnel are willing and are paid commensurate with the system's salary schedule.

Section 21. The state board of education shall adopt or modify its policies, standards, regulations and/or procedures to:

(1) Encourage city and county boards of education to create and develop site-based decision-making programs, new and innovative programs and methods of instruction, and to apply to the state board of education for a waiver of any relevant state board of education policy, standard, regulation and/or procedure which, if granted, shall allow such program to be substituted for relevant state board of education mandated policies, statutes, regulation and/or procedures; provided, however, that the state board of education shall not waive any policy, statute, regulation, and/or procedure expressly required by statute. The state superintendent of education shall monitor such programs to ensure the successful performance of students enrolled in schools governed by site-based decision-making programs. No employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site-based decision-making programs adopted as a result of this section;

(2) Require the state superintendent of education to review existing state educational statutes and recommend to the legislature, during the 1992 Regular Session of the legislature, such changes as may be needed to encourage city and county boards of education to create and develop local educational programs designed to improve dropout rates, parental and community involvement in education, and student performance, and other ways to promote educational enhancement at the local level; and

(3) Require the state superintendent of education to recommend to the state board of education and the legislature, during the 1992 Regular Session of the legislature, a plan under which the state board of education will make grants available to city and county boards of education that restructure their local programs to promote educational enhancement at the local level.

Section 22. (a) The legislature finds a compelling public interest in ensuring that schools are made safe and drug free for all students and school employees. The legislature finds the need for a comprehensive safe school and drug free school policy to be

adopted by the state board of education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the legislature that our schools remain safe and drug free for all students and school employees. The state board of education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The state board of education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol or weapons. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of section 41-22-3(3), Code of Alabama 1975. These modifications shall include the formulation of a discipline plan setting forth policies, practices and procedures dealing with students or other persons who bring illegal drugs, alcohol or weapons on a school campus. Such discipline plan shall also include uniform drug-free school policies with uniform penalties. Any person who violates policies concerning illegal drugs, alcohol or weapons adopted by the local school system shall be arrested on the appropriate warrant, if any criminal charge arises from such conduct, signed by the appropriate school authority. If that person is a student enrolled in any public school in the state of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date. The decision to suspend and/or initiate criminal charges against a student shall include a review and consideration of the student's exceptional status, if applicable, under chapter 39, Title 16, Code of Alabama 1975, or appropriate federal, statutory and case law. If any person is found guilty of violating this policy at a hearing caused to be held by the local board of education, such person shall not be admitted to the public schools of this state until any criminal charges or offenses arising from such conduct have been disposed of by proper authorities, and such violator(s) have satisfied all other requirements imposed by the local school system as a condition for readmission.

(b) No person found guilty of violating a weapons policy may be readmitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the local board of education that the person does not represent a threat to the safety or security of any student or employee of the local school system. It is the intent of the legislature that all persons violating policies concerning illegal drugs, alcohol or weapons be prosecuted under appropriate laws of the state of Alabama and removed from the school environment until such time as the safety of all students and employees can be ensured.

(c) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan legally audited on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, the following:

a. A parent, guardian or custodian of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons;

b. A parent, guardian or custodian of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in subsection (a) of this section; and

c. A parent, guardian or custodian of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b. of this subdivision (2).

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent and/or guardian of any minor who maliciously and willfully damages or destroys property belonging to such school system. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from such impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents and/or guardian, for damages to which such minor other person would otherwise be liable.

(4) The provisions of this section shall apply only to acts committed on or after August 1, 1992.

(d) The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of the 1992-1993 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The

code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

- (1) Specific grounds for disciplinary action;
- (2) Procedures to be followed for acts requiring discipline; and
- (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy and participation in school programs and activities.

(e) *Except in the case of excessive force or cruel and unusual punishment, no certified or non-certified employee of the state board of education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension and expulsion of students.*

Section 23. The legislature directs the state board of education to develop a financial tracking and reporting system of all funds allocated by the Alabama Special Educational Trust Fund appropriations act to the local school system and the local schools in each system. Such systems shall be fully implemented no later than the 1994-95 school year.

Section 24. The legislature does hereby designate the Alabama Education Study Commission as a Standards on Excellence Commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education to the general public, the legislature and the Governor of the state of Alabama. It is the intent of the legislature that the Alabama Education Study Commission shall examine the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this act, and report its findings to the Governor, legislature and the state board of education.

Section 25. Any and all mandates contained in the provisions of this act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate.

Section 26. It is the intent of the legislature that any board, commission, council or similar body designated or created pursuant

to this act shall have equitable representation of minorities in proportion to their percentage of the population of the state of Alabama.

Section 27. The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or plural. Any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 28. The provisions of this act shall not discriminate on the basis of race, sex, religion or national origin.

Section 29. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 30. All laws or parts of laws which conflict with this act are hereby repealed.

Section 31. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 23, 1991

Time: 11:15 A.M.

Act No. 91-324

H. 55 — Rep. Holley

AN ACT

To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Rescue service organizations operating within the State of Alabama which are exempt from federal income taxes under the Internal Revenue Code of 1986, Section 501(c)(3) and which are members of the Alabama Rescue Services Association, Incorporated, are hereby exempted from any state, county and municipal sales and use taxes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:30 P.M.

Act No. 91-325

S.J.R. 22 — Senators Dial, Dixon, Bailey, Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

CREATING A COMMITTEE TO STUDY AND PROVIDE FOR THE ERECTION OF A VIETNAM VETERANS MONUMENT ON THE STATE CAPITOL GROUNDS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Vietnam Veterans Monument Study Committee. The committee shall be composed of two state senators appointed by the Lieutenant Governor, two members of the House of Representatives appointed by the Speaker of the House, the director of Veterans Affairs, the director of the Historical Commission and the president of the State's Vietnam Veterans Association.

The committee shall study the feasibility of erecting a Vietnam Veterans Monument and the location, cost, and financing of said monument. The committee shall adopt a design for the monument. The committee shall be authorized to establish a method for the submission and acceptance of private, tax free donations to be used solely for the cost of erecting said monument.

The committee shall meet as soon after their appointment as practicable and choose one of their members as chairman and another as vice-chairman.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall remain in effect until said monument is in place and all costs are paid. Committee members shall not receive any compensation or expenses for their services.

July 24, 1991

Time: 2:31 P.M.

Act No. 91-326

S.J.R. 121 — Senator Foshee

SENATE JOINT RESOLUTION

DECLARING THE LEGISLATIVE INTENT REGARDING
THE PASSAGE OF ACT NO. 90-560.

WHEREAS, the Legislature passed Act No. 90-560 at the 1990 Regular Session of the Legislature; and

WHEREAS, this act provided in its Section 1 as follows, viz: Section 1. Any circuit clerk who attains office by appointment, subsequent to the beginning of the term of office, shall be entitled to purchase prior service credit toward supernumerary status retroactively to the beginning of the term. Such prior service credit shall be made upon the conditions of Section 12-17-144, Code of Alabama 1975, as amended, being fulfilled; and

WHEREAS, it was the intent of the Legislature in referring to Section 12-17-144 of the Code of Alabama 1975, to use the provisions of said section solely to set forth the method and amount of the contribution that must be made by a supernumerary circuit clerk rather than set a specific date on which such a supernumerary circuit clerk must have been in office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare and specify to any court or governmental agency interpreting the provisions of said Act No. 90-560, that it was the intent of the Legislature of the State of Alabama in referring to Section 12-17-144 of the Code of Alabama 1975, to use the provisions of said section solely to set forth the method and amount of the contribution that must be made by a supernumerary circuit clerk rather than set a specific date on which such a supernumerary circuit clerk must have been in office.

BE IT FURTHER RESOLVED, That any governmental agency or court shall receive this resolution as positive evidence of the Legislative Intent in passing said Act No. 90-560.

Approved July 24, 1991

Time: 2:32 P.M.

Act No. 91-327

S. 455 — Senator Sanders

AN ACT

Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lowndes County, the coroner shall be entitled to receive remuneration in the amount of \$15.00 in each case for holding an inquest, when ordered by the judge of a court of record or for investigation and certification of the cause of death when no jury is summoned or postmortem examination made by a physician or surgeon as provided by Section 12-19-193 of the Code of Alabama 1975. In addition to the amounts listed herein, the coroner shall receive an expense allowance in the amount of \$250.00 per month. The compensation provided for by this act shall be paid from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended, are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:35 P.M.

Act No. 91-328

S. 59 — Senator Barron

AN ACT

Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes and the issuance of certain licenses under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1997, there shall be a county revenue commissioner in DeKalb County. A commissioner shall be elected at the general election in 1996 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments

for and the collection of taxes. Such commissioner shall also perform certain licensing duties as prescribed for the tax assessor in Act No. 87-322 of the 1987 Regular Session.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of such office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive such annual salary, from time to time, as may be provided by law.

Section 7. The offices of tax assessor and tax collector of DeKalb County are hereby abolished effective the first day of October, 1997.

Section 8. It is the purpose of this act to promote the public convenience in DeKalb County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of DeKalb County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next scheduled county-wide election to be held in DeKalb County next following final passage of this act. Notice of the election shall be given by the judge of probate of DeKalb County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law abolishing the offices of tax assessor and tax collector and establishing the office of revenue commissioner? Yes () No ()." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of DeKalb County shall certify the results of the election to the secretary of state immediately after the returns have been certified.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:36 P.M.

Act No. 91-329

S. 61 — Senator Barron

AN ACT

Relating to DeKalb County; imposing an additional delinquent payment penalty for late payment of the county portion of ad valorem taxes and providing that the proceeds from such additional penalty shall be deposited to the credit of the DeKalb County Rural Water Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any penalty heretofore imposed by law for the late payment of ad valorem taxes in DeKalb County, there is hereby imposed a delinquent payment penalty in the amount of one dollar (\$1.00) per day on that portion of ad valorem taxes due to the county as prescribed on each bill of assessment distributed, as provided by law, to property owners in the county. The additional penalty hereby imposed for late payment of the county portion of any ad valorem taxes due shall be administered

and collected in the same manner as now prescribed by law for any existing delinquent payment penalties on such taxes including the placement of liens on properties on which payment of such taxes maybe delinquent. It is the express intent of this act that the additional penalty herein imposed shall apply only to the county portion of any ad valorem taxes due and payable as provided by law and that such additional penalty shall not be applicable to any state or local ad valorem taxes due and payable as provided by law.

Section 2. The proceeds of the additional penalty on the county ad valorem taxes imposed by this act, less costs of administration, shall be deposited to the credit of the DeKalb County Rural Water Authority to be expended to alleviate the water needs of citizens residing in the rural areas of the county.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the first month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved July 24, 1991

Time: 2:37 P.M.

Act No. 91-330

S. 295 — Senator Floyd

AN ACT

Relating to Etowah County, authorizing the county governing body to reimburse the tax assessor, tax collector, probate judge and revenue commissioner for losses incurred from certain worthless checks and other instruments; to require said officials insure their employees exercise due care and attempt to collect all funds due; and to provide retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County governing body shall reimburse the office of tax assessor, tax collector, probate judge, and revenue commissioner from the general fund of the county the amount of any monetary loss, not to exceed a total of five thousand dollars (\$5,000.00) per annum, for losses incurred in accepting worthless or forged checks, drafts, negotiable instruments, money

orders or written order for money or its equivalent, if the mistake or omission causing said loss was without said official's personal knowledge.

Section 2. It shall be the duty of the tax collector, tax assessor, probate judge and revenue commissioner to insure that his employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said official or any clerk or employee of his office.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall have retroactive effect to October 1, 1988.

Approved July 24, 1991

Time: 2:38 P.M.

Act No. 91-331

S. 484 — Senator Bolling

AN ACT

Relating to Fayette County, repealing Act No. 673, H. 1882, 1973 Regular Session, and Act No. 465, H. 885, 1978 Regular Session, relating to the expense allowance of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 673, H. 1882, 1973 Regular Session, and Act No. 465, H. 885, 1978 Regular Session, are hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:39 P.M.

Act No. 91-332

S. 405 — Senator Barron

AN ACT

Relating to Jackson County; providing certain expense allowances for the chairperson and associate members of the Jackson County commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairperson of the Jackson County commission shall be paid a monthly expense allowance of five hundred dollars (\$500.00). Each associate member of the Jackson County commission shall be paid a monthly expense allowance of three hundred dollars (\$300.00). Such amounts shall be paid from the county treasury to such county officers and shall be in lieu of any other expense allowances for performance of in-county duties heretofore provided by law for said chairperson and associate commissioners.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective on the first day of the first month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved July 24, 1991

Time: 2:40 P.M.

Act No. 91-333

S. 408 — Senator Barron

AN ACT

Relating to Jackson County; to amend further Section 1 of Act No. 79-473, S. 639, Regular Session 1979 (Acts 1979, p. 873), as amended, so as to provide further for distribution of funds received by the county from payments made in lieu of taxes made by the Tennessee Valley Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 79-473, S. 639, Regular Session 1979 (Acts 1979, p. 873), as amended, so as to read as follows:

“Section 1. Any payments coming into the treasury of Jackson County that are derived, directly or indirectly, from payments by the

Tennessee Valley Authority in lieu of payment of taxes shall be distributed as follows:

“(A) One percent of such payments, or such portion thereof as shall be necessary, shall be used to establish, equip and maintain a legislative office for the members of the state legislative delegation serving Jackson County, Alabama, and may also be used for other county purposes at the discretion and direction of said legislative delegation.

“(B) Thirty-nine and two-thirds percent of such payments shall be distributed to the public school systems within the county on a per pupil basis.

“(C) Twenty-nine and two-thirds percent of such payments shall be distributed to the incorporated municipalities within the county on a population basis.

“(D) Twenty-nine and two-thirds percent of such payments shall be placed in the general fund in the county treasury and may be used for any lawful purpose by the county.

“Provided, however, the first \$120,000 of each year's payments shall be paid to the Jackson County Hospital Board to provide all residents of Jackson County with adequate ambulance service. Said money shall be paid in twelve equal monthly installments to begin October 1, 1980.

“Provided further, that after the above appropriation to the Jackson County Hospital Board, the next \$150,000 (increased annually by an amount equal to two percent of any increase in T.V.A. payments received by the county over the amount of the previous year's payments so that such two percent increases continually increase this amount) shall be paid to the Jackson County Economic Development Authority on an annual basis. Said appropriation shall be paid before all other appropriations other than the appropriation to the hospital board. Said annual appropriation shall be paid in 12 equal monthly installments. In addition, the Jackson County Economic Development Authority shall receive annually two percent (2%) of any increase in T.V.A. payments received by the county over the previous year's payments.

“All appropriations made hereby to the Jackson County Economic Development Authority shall be deposited in a special industrial development fund to be used for recruiting industry; matching public or private grants the county may receive for industrial development; special projects for site preparation, surveying, archaeological or geotechnical studies or other expenses necessary to recruit industry to the county; and, construction of an office for the Jackson County Economic Development Authority.”

Section 2. This act shall become effective October 1, 1991.

Approved July 24, 1991

Time: 2:41 P.M.

Act No. 91-334

S. 475 — Senator Little

AN ACT

Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Opelika shall not exercise police jurisdiction in any county unless a part of its corporate limits also lies in the county. The City of Opelika shall not exercise taxing powers nor shall it enforce any ordinance, subdivision regulation or sanitation regulation in any county unless a part of its corporate limits lies in the county.

Section 2. Nothing in this act shall prohibit the City of Opelika from exercising police jurisdiction within Lee County or any other county into which the corporate limits may extend.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:42 P.M.

Act No. 91-335

S. 476 — Senator Little

AN ACT

Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the Lee County tax collecting official for the collection of same; and to provide for penalties for failure to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, there is hereby levied a privilege license fee of ten cents (\$.10) on the rental of each video cassette in the county. This fee is in addition to all other taxes heretofore levied.

Section 2. Each person, firm, partnership, corporation or other business venture which rents video cassettes shall report the rentals thereof each month on a form provided by the Lee County tax collecting official and pay the fees to the Lee County tax collecting official in the same method and manner as prescribed in Article 1 of Title 40, Code of Alabama 1975, as last amended. It is intended that this levy shall be on the consumer and the renter of such video cassettes is acting as the agent for the county in collecting and reporting these fees.

Section 3. The receipts of said fees shall be deposited into the county general fund.

Section 4. Anyone who shall fail to report or remit said fees when due shall be subject to the penalties prescribed in sections 40-23-11, et seq., Code of Alabama 1975.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the first month following the conclusion of a minimum thirty-day time period from its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:43 P.M.

Act No. 91 336

S. 424 — Senator J. Smith

AN ACT

To provide for a county law library in Madison County, and for the personnel, space, funding, operation, and maintenance thereof, making said law library part of a network with the other law libraries in the state for their mutual benefit; permitting the present Madison County law library to come under the provisions of this act if it elects to do so; and levying a library fee in certain court cases.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Madison County by resolution thereof shall have the power to establish and maintain a county law library in the Madison County courthouse for the use and benefit of the county and state officials, court system, and the public; and shall have the power to appropriate and set aside for the establishment and maintenance of said library, such space and funds as it shall deem necessary and appropriate. All resolutions setting up the county law library in Madison County shall be filed in the Probate Office of Madison County and with the Administrative Director of Courts.

Section 2. The governing body of Madison County having a county law library under existing laws on the effective date of this act may come under the provisions of this act by resolution thereof, upon request of the presiding circuit judge, and the filing of the copy of said resolution with the Secretary of State and the Administrative Director of Courts. This is an alternative method to the state act method of establishing a Madison County Law Library and Madison County may elect at any time to use either method but may not have a county law library under both methods at the same time. Any Madison County Law Library established under the provisions of this act shall become the owner and successor of all property, funds, and obligations of its predecessors and all property and funds subsequently acquired by the Madison County Law Library.

Section 3. In return for the Madison County Law Library serving the legal materials needs of the county, and of court officials, and of the citizens of the county, the Madison County governing body may furnish adequate space and utilities for the Madison County Law Library established under the provisions of this act and may supplement the book and materials budget if it considers such to be needed.

Section 4. Municipal governing bodies in Madison County may appropriate funds or property to the Madison County Law Library in consideration of said law library making its holdings available to the citizens of the municipalities.

Section 5. Upon the establishment of the Madison County Law Library, or the continuance of the present county law library under the provisions of this act, the presiding judge of the circuit, or a district or circuit judge designated by him, may appoint a full or part-time County Law Librarian or custodian.

Section 6. The presiding circuit judge for the county, or the County Law Librarian by designation of the presiding circuit judge, shall administer the county law library and shall disburse the law library funds, and shall appoint such librarians and assistants as

are necessary for the proper operation of the library. The presiding judge of the circuit shall appoint an advisory committee to the county law library.

Section 7. Upon the establishment of the Madison County Law Library under the provisions of this act, Madison County shall have and maintain a separate fund known as the Madison County Law Library Fund and may have a separate law library fund for each law library in the county. The county law library funds shall consist of funds appropriated by the state, county or municipal governments, funds collected under the provisions of law, proceeds from the sale of copies, books, and other materials, or received from donations, gifts, grants, and funds other than those appropriated, and shall be audited as county funds are audited. Said funds may be used to match grants for library purposes. Library funds may be used to pay library personnel. All purchases by or on behalf of such library shall be exempt from all State of Alabama, county, or municipal sales, use, or other similar taxes.

Section 8. The Madison County Law Library shall have the power to receive gifts, grants, and to exchange books and other materials with other libraries and may furnish the legal needs of books, materials, and copies to the county officials and circuit, probate, and district court officials at no cost.

Section 9. For the support and maintenance of the Madison County Law Library established under the provisions of this act a library fee of \$4.00 shall be paid in all criminal causes and cases of whatever nature and a library fee of \$2.00 shall be paid in all civil causes and cases of whatever nature in the district and circuit courts of Madison County wherein this law is in effect, to be collected as other court costs are collected and paid at the same time as docket or filing fees are paid. For the further support and maintenance of the Madison County Law Library established under the provisions of this act, a library fee of \$1.00 shall be paid in all causes and cases of whatever nature in the municipal court of the city of Huntsville located in Madison County wherein this law is in effect, to be collected as other court costs are collected and paid at the same time as docket or filing fees are paid. Said library fees shall be paid in all proceedings wherein a docket or filing fee is paid. All of the funds collected under the provisions of this section shall be transmitted to the Madison County Law Library Fund by the 10th of each month following their collection.

Section 10. The Madison County Law Library shall be on the distribution list of the Secretary of State to receive one set each of the Acts of Alabama and the Code of Alabama and the supplements thereto.

Section 11. The Madison County Law Library is a part of a network of law libraries with the state-supported law libraries and the non-state-supported law libraries on a voluntary basis, for their mutual benefit.

Section 12. The state, counties, and state agencies have the authority to transfer, give, or lend books, or property, and materials to the Madison County Law Library; and said county law library has the authority to transfer books, property, and materials to the state, counties, state agencies, and to other county law libraries in the state on a voluntary basis.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 2:45 P.M.

Act No. 91-337

S. 499 — Senator Bedsole

AN ACT

Relating to Mobile County; amending Act No. 87-663, S. 498, 1987 Regular Session (Acts 1987, p. 1172), which provides for the acceptance of certain unimproved roads and regulates the construction of certain other unimproved roads, so as to provide further for the construction of certain roads; and providing additional exemptions thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 87-663, S. 498, 1987 Regular Session (Acts 1987, p. 1172), is hereby amended to read as follows:

“Section 1. The county commission may accept each year a total number of miles of public roads equal to the number of miles of county maintained dirt roads graded, drained, based and paved under the most recent pay-as-you-go program during the preceding year and shall not accept any other dirt or otherwise substandard road constructed or improved after January 1, 1984. The county commission is empowered to adopt the necessary rules and regulations for the construction of county maintained roads within the county and shall require that the division of lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, divided for purposes of

sale or of building development shall be done by recorded plat in accordance with Section 30-2-50, Code of Alabama 1975."

Section 2. (1) Notwithstanding the foregoing authorization in Section 1 of Act 87-663, S. 498 of the 1987 Regular Session, and in the adoption of land division regulations, the following described division of property will be exempt and excluded from the definition of a subdivision and exempt from the laws and regulations pertaining to subdivisions: the division of a tract of land into parcels of property containing five (5) acres or more each.

(2) The county commission shall authorize the use of private, not paved road or roads, provided the following conditions are satisfied:

a. A recorded plat shall be required for a proposed subdivision that incorporates a private road or contains property situated adjacent to a private road;

b. Such private road or roads shall be plainly marked and identified on the plat as a "private road - not to be maintained by the State of Alabama or by the county";

c. Such private road or roads shall have a minimum right-of-way width of fifty (50) feet, unless waived by the county engineer, due to special or unique circumstances of the proposed development, and shall provide access to a publicly maintained road with no other minimum requirements.

(3) Subdivision regulations will be adopted or amended by first holding a public hearing thereon after due notice thereof as otherwise required by law for similar matters requiring a public hearing.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

July 24, 1991

Time: 2:46 P.M.

Act No. 91-338

S.J.R. 134 — Senator Bennett

SENATE JOINT RESOLUTION

COMMENDING DR. DAVID L. WALTERS ON HIS RETIREMENT AS DIRECTOR OF BANDS AT JACKSONVILLE STATE UNIVERSITY.

WHEREAS, Dr. David L. Walters, director of bands at Jacksonville State University for the past 30 years, retired at the end of the 1991 academic year; and

WHEREAS, Dr. Walters, known as “Dave” to his university colleagues and thousands of alumni, built the 300-plus-member JSU “Marching Southerners” into a nationally prominent university marching band; and

WHEREAS, a graduate of both Miami University (Ohio) and Florida State, his marching innovations are widely copied throughout the South and the nation; and

WHEREAS, Dr. Walters, who also is a graduate of the U. S. Navy School of Music, has published a number of band and ensemble numbers in use across the country; and

WHEREAS, on his official retirement June 30, 1991, he left a legacy of outstanding leadership, showmanship and professionalism that will become a part of the JSU tradition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend deep appreciation to Dr. David L. Walters for a job well done.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Walters with the Legislature’s best wishes for a happy and well-deserved retirement and that a copy also be provided for display in JSU’s Mason Hall.

Approved July 24, 1991

Time: 2:47 P.M.

Act No. 91-339

S.J.R. 136 — Senator Langford

SENATE JOINT RESOLUTION

COMMENDING JIMMIE LEE DAVIS OF MONTGOMERY, ALABAMA, FOR HIS DEDICATED COMMITMENT TO GOD, FAMILY AND COMMUNITY.

WHEREAS, Jimmie Lee Davis of Montgomery, Alabama, is an exemplary citizen who has dedicated his life in service to God, family and community; and

WHEREAS, Mr. Davis is a faithful and devoted member of Rice Temple A.O.H. Church of God where he is a member of the Board of Deacons and where he was honored in November 1987 for outstanding and dedicated service, recognized in November 1988 for service as President of the Board of Trustees, and was acknowledged by the Rice Temple Christian Academy for his loyalty, love and dedication; and

WHEREAS, in the knowledge that a stable, healthy and loving family is the will of God, Mr. Davis has worked diligently to provide for his six children and his wife of 29 years, often working two or more jobs to ensure their well-being; and

WHEREAS, Mr. Davis, a man of many talents and abilities, is skilled in plumbing, welding, painting, glazing and carpentry; is a former head custodian at Seth Johnson Elementary School, was self-employed as a utility mechanic, worked for Barber's Milk Company until retirement in 1988, and now serves as head of maintenance at Rice Temple A.O.H. Church of God; and

WHEREAS, in service to his community, Mr. Davis is a frequent blood donor to the Gift of Life Association and this generous and selfless act has served as encouragement to his many friends and neighbors to also contribute the "gift of life"; and

WHEREAS, Jimmie Lee Davis, who has received numerous awards from the American Red Cross, is indeed one of his community's finest citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary service to God, family and community, we hereby most highly commend Mr. Jimmie Lee Davis of Montgomery, Alabama, for whom a copy of this resolution of sincere esteem shall be provided.

Approved July 24, 1991

Time: 2:48 P.M.

SENATE JOINT RESOLUTION

COMMENDING COACH WILLIAM R. LANKFORD OF JEFFERSON STATE COMMUNITY COLLEGE AND NAMING THE

GYMNASIUM IN THE LEROY BROWN BUILDING "THE WILLIAM R. LANKFORD GYMNASIUM."

WHEREAS, William R. (Bill) Lankford has made a significant impact on Jefferson State Community College during his twenty-four years as Athletic Director; and

WHEREAS, Bill Lankford's 453 career wins as Jefferson State Community College's head basketball coach for the past twenty-five years placed him twentieth among active NJCAA basketball coaches; and

WHEREAS, he has been named AJCC "Coach of the Year" four times and NJCAA Regional "Coach of the Year" three times while no less than thirteen of his Jefferson State teams have qualified for the state tournament with three winning this tournament; and

WHEREAS, Bill Lankford has directed a strong overall athletic program at Jefferson State and has served with distinction on numerous national athletic committees while representing his college in a most esteemed manner; and

WHEREAS, in recognition of Coach Lankford's many successes and contributions to Jefferson State Community College, it is altogether fitting and proper that a structure on the Jefferson State campus be named in honor of this fine gentlemen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Coach William R. (Bill) Lankford for outstanding athletic administration accomplishments and to honor him we hereby direct that the gymnasium in the LeRoy Brown building be named "The William R. Lankford Gymnasium" as an enduring reminder to future generations of the dedicated service Coach Lankford rendered to Jefferson State.

RESOLVED FURTHER, That copies of this resolution be sent forthwith to the President of Jefferson State Community College and to Coach Lankford's wife Adrienne.

Approved July 24, 1991

Time: 2:49 P.M.

Ghee, Hale, Hilliard, Horn,
Langford, Lindsey, Lipscomb,
Little, Mitchell, Mitchem,
Owens, Parsons, Preuitt,
Sanders, B. Smith, J. Smith,
Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING PHILIP A. SELLERS OF MONTGOMERY,
ALABAMA.

WHEREAS, Philip A. Sellers was appointed by Governor Fob James in 1982 to serve on the Alabama Commission on Higher Education; and

WHEREAS, as Chairman of the Student Assistance Committee, he was instrumental in establishing the Alabama Higher Education Loan Corporation, in developing loan serving activities for lenders and in setting policies on risk avoidance and default management; and

WHEREAS, during his tenure as Chairman of the Commission on Higher Education, he led efforts to revise the funding formula and initiate a policy on preparation for college-level study among Alabama's high school students; and

WHEREAS, he chaired a nationwide search for a new executive director for the Commission; and

WHEREAS, he has been an active participant in his community, the City of Montgomery, which named him Citizen of the Year in 1988; and

WHEREAS, he has served his state and community with dedication, earnestness and dignity; and

WHEREAS, his generosity and kindness are an inspiration to all who know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Philip A. Sellers for distinguished service to the State of Alabama, the Alabama Commission on Higher Education and the Montgomery Community.

BE IT FURTHER RESOLVED, That Mr. Sellers be provided with a copy of this resolution, executed in gratitude for his service and with highest personal regard.

Approved July 24, 1991

Time: 2:50 P.M.

Act No. 91-342

S.J.R. 141 — Senator Denton

SENATE JOINT RESOLUTION

COMMENDING HENRY RAND FOR LONGTIME AND DISTINGUISHED SERVICE AS TAX COLLECTOR FOR COLBERT COUNTY.

WHEREAS, Henry "Hank" Rand has served with distinction, and continuously since 1969, as tax collector of Colbert County, Alabama; and

WHEREAS, during his tenure, Mr. Rand designed and instituted a data processing system for Colbert County in 1978 and, to the financial benefit of the general fund of Colbert County, this system has since been licensed for use in 14 other counties in three states; and

WHEREAS, he also has been actively involved for over 21 years in the affairs of the Alabama Tax Assessor's and Collector's Association which he served as vice president, president-elect and as president; and

WHEREAS, other of Mr. Rand's accomplishments include the preparation of various publications, such as a study of property reappraisal in Alabama; handbooks of instruction for tax assessors, collectors and license and revenue commissioners; a notable video production on Alabama property tax that is used by both individuals and institutions for a clear and detailed explanation of the process; and the establishment of a program whereby additional revenue is raised for the county general fund through the investment of tax income upon collection and prior to transmitting same to the State Revenue Department; and

WHEREAS, Mr. Rand is recognized as a leading authority on the collection and distribution of ad valorem taxes; he has often been called upon to instruct newly elected tax collectors and has otherwise assisted officials in Alabama and other states to the benefit of their citizens and taxpayers; and

WHEREAS, Mr. Hank Rand, who is retiring July 31, 1991, has indeed dedicated his considerable talent and ability to the good and well-being of Colbert County and the State of Alabama, and his loyal tenure of more than 21 years is one of outstanding accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding service as tax collector of Colbert County since 1969, we hereby most highly commend Henry "Hank" Rand, whom we wish every future success and happiness in retirement and for whom a copy of this resolution shall be provided.

Approved July 24, 1991

Time: 2:51 P.M.

Act No. 91-343

S.J.R. 142 — Senator Bailey

SENATE JOINT RESOLUTION

COMMENDING JAMES HUGHES OF COTTONWOOD, ALABAMA.

WHEREAS, through the vision of State Forester C. W. Moody, a program to be known as TREASURE Forest was instituted in the State of Alabama in 1976, to locate and publicly honor citizens who manage their forestland for all the resources for which the land is suited; and

WHEREAS, the family of a retired bank executive named James Hughes of Houston County received a ten-year forest management plan for the land he and his wife, Sylvia, inherited from her father in the Cottonwood community in 1981; and

WHEREAS, on September 16, 1983, this forest property managed by James Hughes was formally certified as a TREASURE Forest, a justifiable recognition for his innovative forest practices in Alabama's Wiregrass region; and

WHEREAS, the James Hughes family has received many accolades for their stewardship of the land including the Governor's Conservation Achievement Award, the prestigious Helene Mosely Memorial Award, and was named Alabama Tree Farmer of the Year in 1988; and

WHEREAS, James Hughes has been further recognized by being elected charter president of the statewide TREASURE Forest Landowners Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend James Hughes for his vigorous approach to good forest land management and his inspiration for all landowners to manage their land in such manner that it meets the needs of all citizens of this great State.

BE IT FURTHER RESOLVED, That Mr. Hughes receive a copy of this resolution, executed in praise of his accomplishments and with highest personal regard.

Approved July 24, 1991

Time: 2:55 P.M.

Act No. 91-344

S.J.R. 146 — Senator Windom

SENATE JOINT RESOLUTION

URGING CONGRESS TO MAINTAIN THE DUAL BANKING SYSTEM AND TO PRESERVE STATES' RIGHTS IN ANY BANKING REFORM LEGISLATION.

WHEREAS, the Alabama Legislature recognizes the major challenges facing the nation's banking industry; and

WHEREAS, the United States 102nd Congress is currently addressing the most far-reaching and comprehensive banking reform measures in history; and

WHEREAS, certain provisions of the banking overhaul bills under consideration in the U. S. Congress greatly endanger states' rights with respect to state-chartered banks, state regulation, and state bank powers; and

WHEREAS, Alabama's 166 state-chartered banks comprise more than three quarters of our state's total banks; and

WHEREAS, the Alabama Legislature strongly maintains that preserving the dual banking system is essential to the state's economic strength; and

WHEREAS, the Alabama Legislature strongly supports the state's right to "opt in" or "opt out" with respect to interstate branching; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Alabama Bankers Association in urging the U. S. Congress to maintain the dual banking system and preserve states' rights in any banking reform legislation of this 102nd Congress.

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to members of Alabama's Congressional delegation, thereby underscoring the urgency of this matter.

Approved July 24, 1991

Time: 2:53 P.M.

Act No. 91-345

S.J.R. 147 — Senator Langford

SENATE JOINT RESOLUTION

TO PROVIDE FOR DIRECTIONAL SIGNS FOR THE MONTGOMERY STATE FARMERS MARKET.

WHEREAS, the Montgomery State Farmers Market provides a unique economic opportunity for Alabama farmers to market produce and crops, and

WHEREAS, the Montgomery State Farmers Market is centrally, geographically located in the State of Alabama; and

WHEREAS, the Montgomery State Farmers Market attracts both buyers and sellers from outside the county in which it is located, and

WHEREAS, conspicuously located directional signs will facilitate the locating of the Montgomery State Farmers Market by vendors, tourists, consumers, visitors, and others; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Alabama Highway Department to have made and to erect four (4) directional signs, U.S. Department of Transportation prescribed dimensions, in conspicuous locations on I-65 at the Northern Bypass, and I-85 at the Eastern Bypass to assist in locating the Montgomery State Farmers Market.

BE IT FURTHER RESOLVED, That the size and locations of said signs be coordinated with the Commissioner of the Alabama Department of Agriculture and Industries; the chair of the House Standing Committee on Agriculture, Forestry and Natural Resources and the chair of the Senate Standing Committee on Agriculture, Conservation and Forestry.

Approved July 24, 1991

Time: 2:54 P.M.

Act No. 91-346

S.J.R. 148 — Senators Ellis, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hilliard,

Horn, Langford, Lindsey,
Lipscomb, Little, Mitchell,
Mitchem, Owens, Parsons,
Preuitt, Sanders, B. Smith,
J. Smith, Waggoner,
Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING THE HONORABLE HUGH EDWIN HOLLADAY, PRESIDING CIRCUIT JUDGE THIRTEENTH JUDICIAL CIRCUIT, ON THE OCCASION OF HIS JUDICIAL RETIREMENT.

WHEREAS, in highest honor and esteem, the Alabama Legislature notes the invaluable service rendered by Judge Hugh Edwin Holladay to his nation, state and community; and

WHEREAS, Hugh Edwin Holladay was born in Ashville, Alabama, to Roy H. Holladay and Mary Jenkins Holladay in 1923, and he is the father of our distinguished colleague Representative Hugh Holladay of the 42nd House District; and

WHEREAS, he was graduated from the School of Commerce of the University of Alabama, Tuscaloosa, Alabama, and received his LL.B. Degree from the University of Alabama, School of Law; and

WHEREAS, Judge Holladay served his country as a pilot in World War II from 1943 to 1946 with courage and heroism in the U. S. Army Air Corps; he was a prisoner of War and won the Purple Heart, a medal of valor and he was honorably discharged as a First Lieutenant; and

WHEREAS, he further exhibited his business acumen in establishing two banks in Pell City, Alabama, and he was elected a member of the Alabama House of Representatives for the 1963-67 term and reelected to the 1967-71 term where he served on the Judiciary, Local Government and Conservation House committees; and

WHEREAS, Judge Hugh Edwin Holladay has served as a distinguished jurist and Circuit Judge of the 30th Judicial Circuit since 1973 and has served as the presiding judge of that circuit; and

WHEREAS, Judge Holladay has used impeccable credentials, public service and community involvement to enrich the lives of others and for the better of his community, state and nation; and

WHEREAS, Judge Hugh Edwin Holladay recently has retired from judicial service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of

outstanding professional achievement and public service to his nation, state and community, we most highly commend our former colleague Judge Hugh Edwin Holladay, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

BE IT FURTHER RESOLVED, That we sincerely wish Judge Holladay our best wishes in all his future endeavors during his well earned retirement.

Approved July 24, 1991

Time: 2:55 P.M.

Act No. 91-347

H. 389 — Rep. Campbell

AN ACT

To amend Section 29-2-51 of the Code of Alabama 1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-2-51 of the Code of Alabama 1975, is hereby amended to read as follows:

“§29-2-51.

“(a) There is hereby created a permanent legislative committee to be known as the permanent legislative committee on reapportionment, hereinafter referred to as the ‘committee.’

“(b) Except during the quadrennium in which the United States census is released and the legislature is actually involved with the reapportionment process, the committee shall be composed of six members appointed during the organizational session of each quadrennium to serve each quadrennium as follows: Three members of the senate to be appointed by the lieutenant governor and three members of the house to be appointed by the speaker of the house.

“The committee members shall select from among its numbers a senator and a member of the house of representatives to serve as **co-chairpersons for the quadrennium to preside over meetings of the committee.** Whenever the legislature is not in regular or special session, each member of the committee shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending any such meeting or conducting business of the committee within or without the state.

“(c) In those quadrenniums in which the United States official decennial census is released and while the legislature is actually

involved in the reapportionment process, the committee shall be composed of twenty-two members as follows: One member of the house of representatives from each congressional district, four members of the house of representatives at-large to be appointed by the speaker of the house and one member of the senate from each congressional district, four members of the senate at-large, to be appointed by the lieutenant governor. Upon the completion of the reapportionment process, the committee composition shall revert to the six member committee provided in subsection (b) hereof."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:05 P.M.

Act No. 91-348

H. 950 — Rep. Willis

AN ACT

Relating to Calhoun County; to amend Act No. 87-426, H. 775, 1987 Regular Session (Acts of Alabama, 1987, p. 636), which authorizes Calhoun County, to levy an annual license or privilege fee upon any business except for practicing the religious tenets of any church, so as to provide that if a business is conducted as certain entities in which more than one natural person is engaged as a lawyer, actuary, accountant, architect, doctor, dentist, osteopath, chiropractor, optometrist, oculist, or optician, then each natural person so engaged shall be treated as if such natural person were conducting a separate business and each such natural person shall pay a license or privilege fee, and so as to provide that one of the purposes of said act is to provide for local needs in Calhoun County, Alabama, not provided for by a general law.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 87-426, H. 775, 1987 Regular Session (Acts of Alabama, 1987, p. 636), are hereby amended to read as follows:

"Section 2. (a) As used in this act, the following words and terms shall, except as otherwise provided in this act, have the following meanings hereby ascribed to them: "the county" means Calhoun County, Alabama; "the governing body" means the governing body of Calhoun County, Alabama, whether it be a county commission, board of revenue, or other governing body; "person" includes any natural person, partnership, corporation, firm, association, trust, estate or other entity; and "business" includes all activities engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect to such person; "license or privilege fee" shall not include any sales or use tax.

“(b) If a business is conducted as a firm, corporation, professional corporation, association, partnership or any other entity in which more than one natural person is engaged, works or practices as a lawyer, actuary, accountant, architect, doctor, dentist, osteopath, chiropractor, optometrist, oculist, or optician, each natural person so engaged shall be treated as if such natural person was conducting a separate business which is subject to paying a license or privilege fee pursuant to this act and each such natural person shall pay a license or privilege fee pursuant to the provisions of this act.”

“Section 3. The purposes of this act are to equalize the burden of taxation by authorizing the county to impose a license or privilege fee upon persons now engaging in certain businesses without paying any license fee or tax thereon to either the state or county, to generate additional revenue for the county by imposing an additional license or privilege fee upon persons now engaging or who may hereafter engage in certain businesses and pay license or privilege fees to the state or county, and to generate additional revenue for the county due to urbanization and population creating greater needs and demands for services than can be provided for by revenue generated pursuant to the general laws.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 9, 1991

Time: 3:06 P.M.

Act No. 91-349

H. 908 — Rep. Venable

AN ACT

Providing for a board of education for the city of Tallassee, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain

immunity for such board members; providing for financial audits of the records of such board; specifically repealing Act No. 90-619 of the 1990 Regular Session of the Legislature and all other laws or parts of laws in conflict herewith and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the city of Tallassee and if such amendment is approved by a majority of the qualified electors of Elmore and Tallapoosa Counties voting on such constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established a school board for the city of Tallassee, Alabama, which board shall be called "The Tallassee Board of Education." The members of such board shall be elected by vote of the qualified electors of the city of Tallassee, Alabama, as hereinafter provided. Said board shall be composed of seven members, with one member of such board being elected from each of seven school districts as defined in Section 2 of this act.

Section 2. The school districts from which such board members are to be elected shall be geographically identical to the districts from which the council members of the city of Tallassee are elected. In the event the boundaries of a city council district should be changed for any reason, the boundaries of the corresponding school board district within the city of Tallassee shall automatically change accordingly without the necessity of further action by the legislation.

Section 3. Candidates for each place on such board of education shall be at least 21 years of age, residents of the school board district which they seek to represent on such board for at least 90 consecutive days prior to the deadline date for qualifying as a candidate and shall not have a record of conviction for any crime involving moral turpitude. At the time of qualifying, each candidate for each place on such board shall pay such qualifying fee as shall be prescribed by the city council of Tallassee, Alabama, not later than six months prior to the qualifying deadline as provided by law. Provided, however, that the qualification fee for the first elections to be held for the board created by this act shall be \$25.00 for each candidate.

Section 4. Such elected school board members shall serve for four-year terms with the elections and terms thereof coinciding with those of the members of the city council of Tallassee, Alabama; provided, however, that the initial elections for such board members shall be held no later than 90 days next following the effective date of this act. Such initially elected board members shall serve from the date on which they are sworn into office until the swearing in of their successors next following the next regularly scheduled city council and school board elections. Terms of office for the initially elected board members shall terminate on the first Monday of October 1992, at noon or at such time as their duly elected successors are sworn in subsequent to the first Monday of October 1992.

Section 5. In the event a vacancy occurs in the office of members of the city board of education, the vacancy shall be filled by appointment by a majority of the remaining members of the city board of education, and the appointee shall hold for the unexpired term. In the event the vacancy is not filled by the remaining members of the city board within 30 days, the state superintendent of education shall fill such vacancy by appointment. The city superintendent of education shall notify the state superintendent of education when a vacancy in the office of a member of the city board of education has not been filled within 30 days.

Section 6. In the event no candidate receives a majority of all of the votes cast for any one or more positions on such school board, the city council shall order a run-off election to be held separately or in conjunction with any scheduled primary, special or general election, at which election the two candidates receiving the most votes for the office in the initial election shall be the only candidates. The candidate receiving the most votes in such run-off election shall be declared as elected. In the event of a tie vote between such run-off candidates, the then serving city council shall decide the election by majority vote at a special meeting called for such purpose by the council's presiding officer.

Section 7. All members of the board created by this act shall represent the interests of any student of the city school system who is not otherwise represented by a certain district school board member as provided for in this act.

Section 8. Such board of education shall have the financial records of the Tallassee School System audited at least annually by an independent auditing firm with the results of such audit being a matter of public record.

Section 9. The members of such board shall have such powers, authority, duties and responsibilities as are otherwise provided by law for members of boards of education as set forth in Title 16, chapter 11, Code of Alabama 1975. The new board of education elected under this act shall assume all of the responsibilities, contracts, obligations, and liabilities of the former board of education. Provided further, such new board shall assume ownership of any and all assets of such former board.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed and the provisions of Act No. 90-619 of the 1990 Regular Session are hereby specifically repealed.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected board of education for the city of Tallassee, Alabama, but only if such constitutional amendment is approved by a majority of the qualified electors of both Elmore and Tallapoosa Counties voting on such constitutional amendment. In the event such amendment is defeated or ratified without an affirmative vote of a majority of the qualified electors of both Elmore and Tallapoosa Counties voting on such amendment, then, the provisions of this act shall be null and void.

Approved July 24, 1991

Time: 3:04 P.M.

Act No. 91-350

H. 818 — Rep. Higginbotham

AN ACT

Relating to Lee County; authorizing the county commission to levy an additional ad valorem tax outside the corporate limits of the cities of Auburn and Opelika; and providing for a referendum for approval of the tax by the qualified electors of the area.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to subsection (f) of Amendment No. 373 to the Constitution of Alabama of 1901, and a resolution heretofore adopted by the county commission of Lee County after a public hearing, the county commission is hereby authorized to levy, in addition to any and all other taxes heretofore levied, an additional ad valorem tax in the amount of 5 mills on each dollar of taxable property outside the corporate limits of the cities of Auburn and Opelika. The revenues from said tax shall be paid to the county general fund.

Section 2. The increase in the rate of said tax as provided herein is subject to the approval of a majority of the qualified electors of the area affected who vote on the proposed increase at a special election called and held for such purposes pursuant to the provisions of subsection (f) of Amendment No. 373 to the Constitution.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:08 P.M.

Act No. 91-351

H. 894 — Reps. Higginbotham, Turnham

AN ACT

Relating to Lee County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Political signs, markers and advertising on the rights-of-way of county controlled highways are prohibited in Lee County except those official signs or markers placed thereon by Lee County or under the authority of that governmental entity. No political sign, marker or poster may be attached to any official sign or marker placed by the county or on any utility pole or tree on the rights-of-way of a county highway.

Section 2. Any person violating the provisions of this act shall upon conviction be guilty of violating Section 13A-7-29, Code of Alabama 1975, viz. criminal littering, a Class C misdemeanor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:10 P.M.

Act No. 91-352

H. 947 — Rep. Williams

AN ACT

To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama, and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Ozark, Alabama, in Dale County are hereby altered, rearranged and extended so as to include in the corporate limits of

said municipality, in addition to the lands now included, all of the following territories to wit:

Parcel No. 1

Beginning at a point where a line 230 feet easterly of and parallel to the centerline of Alabama Highway 123 meets the West line of the NW1/4 of Section 9, T6N, R24E; thence North along said West line to the NW corner of said Section 9; thence East along the North line of said Section 9 and the North line of Section 10 to the NE corner of Section 10, T6N, R24E; thence South along the East line of said Section 10 to the NW corner of the SW1/4 of Section 11, T6N, R24E; thence East along the North line of the said SW1/4 and the SE1/4 of Section 11 and the North line of the W1/2 of the SW1/4 of Section 12, T6W, R24E to the NE corner of said W1/2 of the SW1/4 of Section 12, thence South along the East line of the W1/2 of the SW1/4 of Section 12 and the East line of the W1/2 of the NW1/4 of Section 13 to the SE corner of the W1/2 of the NW1/4 of Section 13; thence East along the North line of the S1/2 of Section 13 to the NE corner of the S1/2 of said Section 13; thence South along the East line of Sections 13 and 24 to the SE corner of the NE1/4 of Section 24, T6N, R24E; thence West along the South line of the N1/2 of Sections 24 and 23 to the East line of Section 22, T6N, R24E; thence continue East along the South line of the NE1/4 of said Section 22 for 1540 feet, more or less, to the East line of the Dale County Lake property; thence North along the said lake property for 1280 feet, more or less, to a NE corner of said Lake property; thence West 960 feet; thence Southwest for 740 feet, more or less; thence West 660 feet; thence North for 1320 feet; thence West for 330 feet; thence North for 1320 feet; thence West for 1320 feet; thence South for 1980 feet, more or less; thence West for 660 feet; thence South for 1320 feet; thence East for 450 feet; thence South for 420 feet; thence East for 210 feet; thence South for 1940 feet, more or less, to the SW corner of the said Dale County Lake property; thence continue South along the West line of Section 22 to the SW corner of Section 22, T6N, R24E; thence West along the South line of the SE1/4 of the SE1/4 of Section 21 to the SW corner of the said SE1/4 of the SE1/4; thence North along the West line of the E1/2 of the E1/2 of said Section 21 to the South line of Section 16, T6N, R24E; thence West along the said South line of Section 16 to the SW corner of the E1/2 of the SW1/4 of the SE1/4 of said Section 16; thence North along the West line of the said E1/2 of the SW1/4 of the SE1/4 to the North line of the SW1/4 of the SE1/4 of said Section 16; thence West along the said North line to a point which is 230 feet East of the centerline of Alabama Highway 123; thence Northerly along a line 230 feet from and parallel to the said centerline of Alabama Highway 123 to the North line of the NW1/4 of the SE1/4 of Section 16; thence West along said North line for 200 feet to the East right of way line of Alabama 123; thence Northerly

along the said East line of Alabama 123 to the centerline of A. B. Stubbs Road (Dale County No. 54); and the North Line of the SW1/4 of the NE1/4 of said Section 16; thence East along the said North line of the SW1/4 of the NE1/4 to a point which is 240 feet perpendicularly from the centerline of said A. B. Stubbs Road; thence Northeasterly along a line which is 240 feet from and parallel to the centerline of said A. B. Stubbs Road for 1150 feet, more or less, to the East line of the W. M. C. Skipper property; thence North along the Skipper and Bracewell property line to the South right of way line of the said A. B. Stubbs Road; thence East along the said South line of A. B. Stubbs Road to a Southernly extension of the Ruth C. and Joe Cumbie property line; thence North along the Cumbie property line to a point which is 240 feet from and parallel to the centerline of said road; thence Southwesterly along a line which is 240 feet from and parallel to the center line of said road for 1750 feet, more or less to the East right of way line of Alabama 123; thence Northerly along the said East line of Alabama 123 to the North line of the S1/2 of the NW1/4 of the NE1/4; thence East along said North line to a point which is 230 feet from and perpendicular to the centerline of Alabama 123; thence Northerly along a line which is 230 feet East of and parallel to the said center line of Alabama 123 to the West line of the SW1/4 of the SE1/4 of Section 9, T6N, R24E; thence South along said West line to the Northeast right of way line of said Alabama 123; thence northwesterly along the said northeast right of way of Alabama 123 to a point 310 feet East on the Southeast of the Southeasterly right of way of the Lynn Free Road (Dale County, Road No. 50), said point being the West or Northwest corner of property formerly owned by Charles W. Cotten; thence Northeasterly along the Northwest line of said property to a point which is 230 feet from and perpendicular to the centerline of said Alabama 123; thence Northwesterly along a line which is 230 feet from and parallel to the said centerline of Alabama 123 to the West line of the NW1/4 of Section 9, T6N, R24E, and the point of beginning.

Parcel No. 2

The Southeast 1/4 of Section 23, the South 1/2 of Section 24, Section 25, the NE1/4, SE1/4 and the SW1/4 of the SE1/4 of Section 26, the E1/2 of Section 35, Section 36 all in T6N, R24E. The SW1/4 of the NW1/4 and the W1/2 of the SW1/4 of Section 31. T6N, R25E. Section 1 and the E1/2 of Section 2, T5N, R24E. The W1/2 of the NW1/4 of Section 6, T5N, R25E.

Parcel No. 3

The NE1/4, SE1/4 and SW1/4 of Section 11, Section 12, Section 13, Section 14, the N1/2, N1/2 of the SE1/4 and the N1/2 of the SW1/4 of Section 23, the N1/2 of Section 24, all in T5N, R24E.

Parcel No. 4

The E1/2 of the SW1/4 and the SE1/4 of Section 9; the S1/2 of Section 10; Section 15; Section 16; Section 17 less and except the NW1/4 of the NE1/4 and the N1/2 of the NW1/4; Section 20; Section 21; Section 22 less and except the SE1/4 of the SE1/4; the N1/2 of the NW1/4 and the NW1/4 of the NE1/4 of Section 27; the N1/2 of Section 28; the N1/2 of the NE1/4 of Section 29; all in T5N, R24E.

Parcel No. 5

Beginning at the NW corner of the SW1/4 of Section 31, T6N, R24E; thence East along the North line of the S1/2 of said Section 31 and the North line of the S1/2 of Section 32 to the NE corner of the SW1/4 of said Section 32; thence South along the East line of the SW1/4 of Section 32 to the SE corner of the NE1/4 of the SE1/4 of the SW1/4 of said Section 32; thence West for 666 feet, more or less; thence South for 660 feet, more or less, to the North line of Section 5, T5N, R24E, thence West for 220 feet, more or less, thence South for 1320 feet, more or less; thence West for 220 feet, more or less; thence South for 1320 feet, more or less; thence West for 1540 feet, more or less, to the SE corner of the NE1/4 of Section 6, T5N, R24E; thence South for 660 feet, more or less; thence West for 660 feet, more or less; thence South for 660 feet, more or less; thence West for 660 feet, more or less to the NE Corner of the SW1/4 of the SE1/4 of said Section 6; thence South along the East line of the said SW1/4 of the SE1/4 to the North line of Section 7, T5N, R24E; thence West for 330 feet, more or less; thence South for 660 feet, more or less; thence West for 330 feet, more or less; thence South for 660 feet, more or less; thence West for 660 feet more or less, to the East line of the NW1/4 of said Section 7; thence South along the said East line of the NW1/4 of said Section 7 to the SE corner of the NW1/4 of said Section 7; thence East along the North line of the SE1/4 of said Section 7 to the East right of way line of East Andrews Avenue; thence Southerly along the said East line of East Andrews Avenue to the South line of the NW1/4 of the SE1/4 of said Section 7; thence West along the said South line of the NW1/4 of the SE1/4 to the SW corner of the NW1/4 of the SE1/4; thence North along the West line of the NW1/4 of the SE1/4 to the Southwesterly right of way line of Campground Road (Dirt Road Extension); thence Northwesterly along the Southwesterly line of Campground Road to the West line of said Section 7; thence North along the West line of Sections 7 and 6 all in T5N, R24E, to the SW corner of Section 31, T6N, R24E; thence continue North along the West line of said Section 31 to the NW Corner of the SW1/4 of said Section 31 and the point of beginning.

Parcel No. 6

Beginning at the NW Corner of the SW1/4 of Section 19, T6N, R24E; thence East along the North line of the S1/2 of the SW1/4 to the East or Northeast right of way line of U.S. 231; thence Southeasterly along the said line to a concrete marker being the Northwest corner of a portion of the present Ozark Corporate Limits; thence continue Southeasterly along said line for 650 feet, more or less, the East line of the SW1/4 of the said Section 19; thence South along said East line of the SW1/4 for 450 feet, more or less, to the West right of way line of said U.S. 231; thence Southeasterly along the said West line of U.S. 231 for 490 feet, more or less, to the North right of way line of Roy Parker Road (Dale County No. 38); thence Southwesterly along the North line of said Roy Parker Road for 125 feet, more or less, to the East line of the NW1/4 of Section 30, T6N, R24E; thence South along the said East line of the NW1/4 and the East line of the NE1/4 of the SW1/4 all of Section 30, to the SE corner of the said NE1/4 of the SW1/4; thence West along the South line of the said NE1/4 of the SW1/4 for 245 feet, more or less, to a NW corner of the present Ozark Corporate Limits; thence S1°44'W for 1091.44 feet to the North right of way line of McSwean Road (Dale County No. 21); thence S76°53'E along said Road; thence N1°44'E for 1169.38 feet, to the North line of the SW1/4 of the SE1/4 of said Section 30; thence Easterly along the North line of the S1/2 of the SE1/4 of said Section 30 to the centerline of a drainage ditch and being a corner of the present Ozark Corporate Limits; thence S17°42'E for 388.82 feet along said centerline and the present Corporate limits; thence S24°29'E for 508.15 feet; thence S13°42'E for 326.25 feet, to the North right of way line of Alabama Highway No. 27; Thence N81°54'E along the said North line of Alabama Highway No. 27 for 129.38 feet, to the East line of said Section 30; thence South along the said East line of Section 30 and South along the East line of the N1/4 of the NE1/4 of Section 31 to the South right of way line of Alabama Highway No. 27; thence Easterly along the said South line of Alabama Highway No. 27 to the West or Southwest right of way line of U.S. 231; thence Southeasterly along said West line of U.S. 231 to the East line of the NW1/4 of the NW1/4 of Section 32; thence South along the said East line of the NW1/4 of the NW1/4 and South along the East line of the SW1/4 of the NW1/4 of said Section 32 to the property line of an eight acre parcel owned by Jack Hutto; thence Easterly along said Hutto property line to the Hutto corner; thence Southerly along the Hutto property line to the South line of the SE1/4 of the NW1/4 of said Section 32; thence West along the South line of the SE1/4 of the NW1/4 and the SW1/4 of the NW1/4 to the SE corner of the NE1/4 of Section 31; thence continue West along the South line of the N1/2 of Section

31 to the West line of Section 31; Thence North along the said West line of Section 31 and North along the West line of Section 30 and North along the West line of the SW1/4 of the SW1/4 of Section 19, T6N, R24E, to the point of beginning.

Parcel No. 7

Beginning at the NE corner of the S1/2 of the SW1/4 of Section 21, T6N, R24E; thence South along the East line of the said S1/2 of the SW1/4 of Section 21 to the SE corner of the SW1/4 of Section 21; thence West along the South line of the SW1/4 of Section 21 to the SW corner of the said SW1/4 of Section 21; thence continue West along the South line of the SE1/4 of the SE1/4 of Section 20, T6N, R24E, to the SW corner of the said SE1/4 of the SE1/4; thence South along the East line of the W1/2 of the NE1/4 of Section 29, T6N, R24E to the SE corner of the said W1/2 of the NE1/4 to the South line of the said W1/2 of the NE1/4; thence West along the said South line to the NE corner of the SW1/4 of Section 29; thence South along the East line of the said SW1/4 to the SE corner of the said SW1/4; thence West along the South line of the said SW1/4 to the SW corner of the SE1/4 of the SW1/4; thence North along the West line of the said SE1/4 of the SW1/4 to the NW corner of the SE1/4 of the SW1/4; thence West along the South line of the NW1/4 of the SW1/4 to the East line of U.S. 231; thence N40°16'E along the East line of U.S. 231 for 1940 feet, more or less; thence Northeasterly for 200 feet; thence Northwesterly along a line that is 200 feet from and parallel to the said East line of U.S. 231 for 1000 feet, more or less, to the East line of the SW1/4 of the NE1/4 of Section 30, T6N, R24E; thence North along the said East line for 120 feet, more or less, to the NE corner of the SW1/4 of the NE1/4 of Section 30; thence West along the North line of the said SW1/4 of the NW1/4 to the said East line of U.S. 231; thence Northwesterly along the East line of U.S. 231 for 1180 feet, more or less, to the South line of Roy Parker Road (Dale County No. 36); thence Northeasterly along the South of said Roy Parker Road for 270 feet, more or less; thence Northerly along the present Corporate limits for 1304 feet, more or less, to a concrete marker on the NE corner of a portion of the present Corporate limits of Ozark; thence continue Northerly for 170 feet, more or less to the North Line of the SW1/4 of the SE1/4 of Section 19, T6N, R24E; thence East along the said North line for 635 feet, more or less, to the NW Corner of the SE1/4 of the SE1/4 of Section 19; thence continue East along the North line of the SE1/4 of the SE1/4 of Section 19 to the West line of Section 20; thence continue East along the North line of the S1/2 of the S1/2 of Section 20 and the North Line of the S1/2 of the SW1/4 of Section 21, T6N, R24E to the NE corner of the S1/2 of the SW1/4 of Section 21, T6N, R24E and the point of beginning.

Parcel No. 8

Beginning at a point where a line 230 feet Easterly or Northeasterly of and parallel to the centerline of Alabama Highway 123 intersects the East line of the SE1/4 of the NE1/4 of Section 8, T6N, R24E; thence North along the said East line of Section 8 to the NE corner of the NE1/4 of Section 8; then West along the North line of Section 8 to the NW Corner of the NE1/4, Section 8; thence South along the West line of the NE1/4 and the SE1/4 of Section 8 to the SW corner of the SE1/4 of Section 8; thence Easterly along the South line of the SE1/4 of Section 8 to a point which is 230 West of and parallel to the centerline of Hawridge Road (Dale County Road No. 50, Post Oak Spur); thence Northeasterly along a line which is 230 feet West of and parallel to the centerline of said Hawridge Road to a line which is 230 feet Southwest of and parallel to the centerline of Alabama Highway No. 123; thence Northwesterly along said line to the South line at the NE1/4 of the NE1/4 of Section 8; thence Westerly along the South line of the NE1/4 of the NE1/4 to the Southwest corner of said NE1/4 of the NE1/4; thence North to the North line of the S1/2 of the S1/2 of the NE1/4 of the NE1/4 of said Section 8; thence East along said line across said Alabama Highway 123 to a line which is 230 feet East of and parallel to the centerline of said Highway 123; thence Southeasterly along said line to the East line of the SE1/4 of the NE1/4 of Section 8 and the point of beginning. All being in T6N, R24E.

ALSO:

Beginning at the Northeast corner of the SW1/4 of the SW1/4 of Section 8, T6N, R24E; thence South along the East line of the SW1/4 of the SW1/4 to the North line of Section 17; thence continue South along the East line of the NW1/4 of the NW1/4 of Section 17 to the North line of Jernigan Road; thence East along the North line of said Jernigan Road to the East line of said Section 17; thence North along the said East line of Section 17 to the NE corner of said Section 17; thence East along the North line of said Section 17 to the East right of way line of Hawridge Road (Dale County Road No. 50); thence Northeasterly along said East line of Hawridge Road for a distance 429 feet to the North property line of John T. Nehen; thence East along said John T. Nehen property line to a point 230 feet East of the Centerline of said Hawridge Road; thence Northeasterly along a line 230 feet East of and parallel to the centerline of Hawridge Road to the East line of the SE1/4 of the SE1/4 of said Section 8; thence North along said East line to the NE corner of said SE1/4 of the SE1/4 of Section 8; thence East along the South line of the NW1/4 of the SW1/4 of Section 9 to said line which is 230 feet East of and parallel to said centerline of Hawridge Road; thence Northeasterly along said line to a point

which is 230 feet West of the Centerline of Alabama Highway 123; thence Southeasterly along said line which is 230 feet West of and parallel to Alabama Highway 123 to the South line of the SW1/4 of the NW1/4 of Section 9; thence East along the said South line of the SW1/4 of the NW1/4 to the SW corner of a lot or parcel of land owned by Douglas M. Chenny; thence N39°36'E along the Northwest line of said Chenny property for 178.66 feet to the Southwesterly right of way of Alabama Highway 123; thence S50°24'E along the said Alabama Highway 123 for 212.42 feet to the said South line of the SW1/4 of the NW1/4 of Section 9; thence West along said South line to a point 230 feet West of the centerline of and perpendicular to Alabama Highway 123; thence Southeasterly along a line 230 feet West of and parallel to the centerline of Alabama Highway 123 to the East line of the NW1/4 of the SW1/4 of said Section 9; thence North along said East line to the Southwesterly right of way of Alabama Highway 123; thence Southeasterly along said right of way for 210 feet to the NE corner of property owned by William Dean Carroll; thence South along the East line of said Carroll property to a point which is 230 feet West of and perpendicular to the centerline of the said Alabama Highway 123; thence Southeasterly along a line 230 feet West of and parallel to the centerline of said Alabama Highway 123 to the North line of the NW1/4 of the SE1/4 of Section 16; thence continue Southerly along said 230 foot line to the West line of the NW1/4 of the SE1/4; thence South along said West line of the NW1/4 of the SE1/4 to the NW corner of SW1/4 of the SE1/4 of Section 16, T6N, R24E; thence South along the West line of the SW1/4 of the SE1/4 of said Section 16 to the NW corner of the NW1/4 of the N1/4 of Section 21; thence continue South along the said West line of the NW1/4 of the NE1/4 and the West line of the SW1/4 of the NE1/4 and the West line of the NW1/4 of the SE1/4 to the SW corner of the NW1/4 of the SE1/4 of Section 21; thence West along the Southline of the N1/2 of the SW1/4 of Section 21 to the East line of Section 20; thence continue Easterly along the South line of the N1/2 of the SE1/4 and the SW1/4 of said Section 20 to the East line of Section 19; thence West along the South line of the NE1/4 of the SE1/4 of said Section 19 to the SE corner of the NW1/4 of the SE1/4 of said Section 19; thence continue Westerly along the said South line of the NW1/4 of the SE1/4 for 635 feet, more or less; thence Southerly for 170 feet more or less to a concrete marker and the NE corner of a portion of the present Corporate limits of Ozark; thence Westerly along said corporate limits for 960 feet, more or less, to a concrete marker and the Northeastern right of way line of U.S. 231; thence Northwesterly along the said Northeastern right of way line to the South line of the NE1/4 of the SW1/4 of Section 19; thence Easterly along the South line of

said NE1/4 of the SW1/4 and the South line of the NW1/4 of the SW1/4 to the West line of Section 19, T6N, R24E; thence North along the said West line of Section 19 to the SW corner of Section 18, T6N, R24E; thence West along the South line of Section 13, T6N, R23E; to the SW corner of the E1/2 of said Section 13; thence North along the said West line of the said E1/2 of Section 13 to the North line of said Section 13; thence continue North along the West line of the SW1/4 of the SE1/4 of Section 6, T6N, R23E to the NW corner of the said SW1/4 of the SE1/4 of Section 6; thence East along the North line of said SW1/4 of the SE1/4 and the SE1/4 of the SE1/4 to the West line of Section 7, T6N, R24E; thence East along the North line of the S1/2 of the S1/2 of Section 7 to the West line of Section 8, T6N, R24E; thence continue East along the North line of the SW1/4 of the SW1/4 to the NE corner of the SW1/4 of the SW1/4 and the point of beginning.

Section 2. (a) The Judge of Probate of Dale County shall call for referendums of the qualified electors who reside within the Parcels above described within 10 days of the filing of the enactment of this legislation with the judge of probate, such elections to be held not less than 20 nor more than 40 days from the date of the order of the elections by the Probate Judge of Dale County. The elections shall be held and conducted in the manner prescribed by Section 11-42-2 Code of Alabama 1975, insofar as such provisions may be appropriate. The question shall be substantially as follows: "Do you favor the annexation of Parcel 1 (etc.) into the Corporate Limits of Ozark, Alabama? Yes ____ No ____." The City of Ozark shall pay all of the costs and expenses incident to the elections.

(b) If the canvass of the vote reflects a majority of the qualified electors in any Parcel voting therein favor the question the annexation of such Parcel described above shall become effective immediately. If the canvass reflects a majority of qualified electors in any Parcel voting therein do not favor annexation then that Parcel shall not be annexed until subsequent action is taken pursuant general law or legislative act.

Section 3. A map showing the Parcels above described which are proposed to be annexed to the City of Ozark is on file in the Office of the Judge of Probate, Dale County, Alabama, and in the Office of the Mayor of the City of Ozark, Alabama. These maps will be available for public inspection during regular business hours.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 24, 1991

Time: 3:12 P.M.

Act No. 91-353

H. 948 — Rep. Williams

AN ACT

To alter or rearrange the boundary lines of the city of Ozark, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Ozark, Alabama in Dale County are hereby altered, rearranged and extended so as to include in the corporate limits of said municipality, in addition to the lands now included, all of the following territories to wit:

A parcel of land in Dale County, Alabama, being known as the Dale County lake Property and being more fully described as follows: Beginning at an iron marker at the Southwest corner of said property, said marker being 300 feet, more or less, North of the Southwest corner of Section 22, T6N, R24E and run thence East 330 feet; thence North 330 feet; thence East 330 feet; thence North 40 feet; thence East 2525 feet, more or less to the Northwest right-of-way of Faust Avenue (Johnson Road); thence Northeasterly along said Road 100 feet; thence North 600 feet, more or less; thence East 660 feet; thence North 780 feet; thence West 330 feet; thence North 1790 feet, more or less; thence West 960 feet; thence Southwesterly 740 feet, more or less; thence West 660 feet; thence North 1320 feet; thence West 330 feet; thence North 660 feet to the North line of said Section 22; continue thence North 660 feet; thence West 1320 feet to the West line of Section 15, T6N, R24E; thence South 660 feet to the Southwest corner of said Section 15; continue thence South 1320 feet; thence West 660 feet; thence South, 1320 feet; thence East 450 feet; thence South 420 feet; thence East 210 feet to the West line of said Section 22, T6N, R24E; thence South along said line 1940 feet more or less to the point of beginning. Said property lying in and being a portion of Section 15, 21, and 22 in T6N R24E and contains 346 acres, more or less.

Section 2. A map showing the land above described which is proposed to be annexed to the City of Ozark is on file in the Office of the Judge of Probate, Dale County, Alabama, and in the office of the Mayor of the City of Ozark, Alabama. This map will be available for public inspection during regular business hours.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:14 P.M.

Act No. 91-354

H. 949 — Rep. Williams

AN ACT

To alter or rearrange the boundary lines of the Town of Newton, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Newton, Alabama, in Dale County are hereby altered, rearranged and extended so as to include in the corporate limits of said municipality, in addition to the land now included, all of the following territory to-wit:

Beginning at the intersection of the west line of the NE 1/4 of the NE 1/4 of Section 23, T4N, R24E, and the centerline of County Road No. 43, and thence northeasterly along the centerline of County Road No. 43, and the existing Town Limits to the centerline of State Highway No. 123, thence Southwesterly along the centerline of State Highway No. 123 to the east line of the SE 1/4 of the NE 1/4 of Section 23, T4N, R24E, thence South along the east line of the SE 1/4 of the NE 1/4 of Section 23, T4N, R24E, to the southeast corner of the SE 1/4 of the NE 1/4 of Section 23, T4N, R24E, thence West to the southwest corner of the SE 1/4 of the NE 1/4 of Section 23, T4N, R24E, thence North along the west line of the E 1/2 of the NE 1/4 of Section 23, T4N, R24E, to the centerline of County Road No. 43, thence southwesterly along the centerline of County road No. 43, 580 feet, thence North 145 feet, thence northeasterly 420 feet, thence North to the south line of N

1/2 of the NW 1/4 of the NE 1/4 of Section 23, T4N, R24E, thence East to the west line of the NE 1/4 of the NE 1/4 of Section 23, T4N, R24E, thence South to the point of beginning.

Section 2. A map showing the territory above described which is proposed to be annexed to the Town of Newton is on file in the Office of the Judge of Probate, Dale County, Alabama, and in the Office of the Mayor of the Town of Newton, Alabama. This map will be available for public inspection during regular business hours.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:15 P.M.

Act No. 91-355

H. 952 — Rep. Cullins

AN ACT

Relating to Tallapoosa County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under a modified county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, bridges and ferries of Tallapoosa County; and specifically repealing Act No. 88-121, H. 437, 1988 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other authority now vested in the Tallapoosa County commission, the commission shall be authorized to set the necessary policies and priorities for the construction, maintenance and repair of all public roads, county highways, bridges, ferries and public facilities within the county, to ensure a safe and adequate road system, upon a resolution duly passed and a public hearing thereon. It shall be the further duty of each associate member of the commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-ways, and assist in public service generally. It shall be the duty of the county engineer to provide the necessary equipment

and personnel and to respond to any lawful request, including those requests of an emergency nature when made by an associate member of the commission, or in the absence of a commissioner, when made by any citizens.

Section 2. The county commission shall appoint and employ a county engineer, who shall be a thoroughly qualified and competent professional engineer not required to be a land surveyor, but otherwise possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the county public roads, highways, bridges, ferries and other county engineering projects and shall, during his employment, reside in Tallapoosa County, Alabama. The said county engineer shall serve at the pleasure of the Tallapoosa County commission.

Section 3. It shall be the duty of the county engineer, in accordance with policy established by the commission, within the law of the State of Alabama to: (1) employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Tallapoosa County, and he shall have authority to prescribe their duties, and to discharge said employees for cause; (2) perform such engineering service and surveying as may be required; (3) maintain the necessary accounting records to reflect the cost of the county highway system; (4) in accordance with the policies and priorities established by the commission, to build or construct new roads, or change old roads; (5) to locate within the various districts of the county the necessary equipment to perform routine maintenance of all public roads, highways, bridges and ferries on a continuing basis; and (6) it shall be his further duty, insofar as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. It shall be the duty of the commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, ferries and public facilities; and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 5. The commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from appropriate road and highway funds.

Section 6. Before entering upon his duties, the said county engineer shall make and enter into a surety bond in the amount of five thousand dollars (\$5,000.00), payable to Tallapoosa County,

conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said county, which may come into his possession or custody. Said bond shall be executed by a surety company authorized and qualified to do business in Alabama, and be approved by the commission. The premiums shall be paid by the county.

Section 7. The commission shall furnish the county engineer with an office within the county and all necessary office supplies, equipment, communication, utilities and with necessary transportation to accomplish his duties under this act.

Section 8. The county engineer shall be the custodian of all road machinery and equipment, tools, supplies and repair parts owned by the county, and he shall be accountable to the commission for the same at all times. The commission shall establish necessary policy and regulations governing accountability and relief therefrom. The commission shall furnish the necessary storage and repair facilities for said tools, machinery, supplies and equipment; and the county engineer shall keep on file in his office, at all times, an up-to-date inventory containing a list of all said tools, machinery, equipment and supplies belonging to the county.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges, ferries or any other duties for the county as may be set aside and appropriated by the commission as hereinafter provided; it shall be the duty of said commission at some meeting in September of each calendar year or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of the county for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in the county during said period; provided, however, that said commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general laws of the state. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present county commission, immediately upon the effective date, it shall be the duty of the commission to set aside a sufficient portion of said funds for the maintenance of said roads, bridges and ferries until the meeting in September, or October.

Section 10. The county engineer shall make written requisition to the county purchasing agent for all materials, machinery, equipment and necessary supplies needed for the construction, maintenance or repair of the public roads, bridges and ferries of the county. Such requisitions shall be filed and presented by the chairman to the commission at its next meeting, for the approval of the commission. Provided, however, that the county purchasing agent shall have full power and authority to make said purchases without first obtaining the approval of the commission if the delay might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system, providing said purchases are made in accordance with prevailing law. The county purchasing agent shall be solely responsible and accountable for purchasing the materials, machinery, equipment and supplies under the approved requisitions, and shall report monthly to the county commission.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment and supplies purchased by the county for use on public roads, bridges and ferries, when the same is delivered, and the same shall neither be accepted nor paid for without its first having been approved by him and any deviation shall be reported by the engineer to the commission.

Section 12. In the event an emergency should arise, in which it would be impossible for the commission to employ an engineer, as hereinabove provided for, then, in that event, the commission shall employ a competent road supervisor who need not be an engineer, but when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this act; but an emergency shall not exist longer than necessary to employ a qualified engineer who will accept employment by said commission under the terms of this act, it being the intention of this act to provide that, when county roads, bridges and ferries are to be maintained or constructed in said county, the supervision thereof shall be under a qualified engineer.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed, and Act No. 88-121, H. 437, 1988 Regular Session, is hereby specifically repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:16 P.M.

Act No. 91-356

H. 597 — Rep. Knight

AN ACT

To provide for the employment, powers, and duties of police officers of the University of Montevallo.

Be It Enacted by the Legislature of Alabama:

Section 1. The president of the University of Montevallo, with the approval of the board of trustees, is hereby authorized to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the university. Such persons shall be charged with all the duties and invested with all the powers of police officers and may eject trespassers from the university buildings and grounds and may, without a warrant, arrest any person guilty of disorderly conduct or of trespass upon the property of the university, or for any public offense committed in their presence, and carry them before the nearest municipal or district court, before which, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant. Such officers shall have authority to summon a posse comitatus and may, with a warrant, arrest any person found upon or near the premises of the university who are charged with any public offense and take them before the proper officer.

Section 2. The police officers provided for in this act shall cooperate with and, when requested, may furnish assistance to the regularly constituted authorities of the city of Montevallo and their jurisdiction and authority shall be coextensive with the corporate limits of the municipality.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:17 P.M.

Act No. 91-357

H. 869 — Rep. Thomas

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Mosses in Lowndes County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Mosses in Lowndes County are hereby altered, rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included, all the following territory, to-wit: North 1/2, South West 1/4, Section 17, Township 14 North, Range 14 East; North 1/2, South 1/2, Section 18, Township 14 North, Range 14 East; South 1/2, North 1/2, Section 13, Township 14 North, Range 13 East; South 1/2, Section 13, Township 14 North, Range 13 East; North 1/2, North West 1/4, Section 24, Township 14 North, Range 13 East; South 1/2, South East 1/4, Section 14, Township 14 North, Range 13 East; North 1/2, North East 1/4, Section 23, Township 14 North, Range 13 East; all located in Lowndes County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:18 P.M.

Act No. 91-358

H. 896 — Rep. Clay

AN ACT

Relating to Bullock County; repealing Act No. 241, H. 751, 1976 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bullock County, Act No. 241, H. 751, 1976 Regular Session, as amended, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:19 P.M.

Act No. 91-359

H. 932 — Rep. Melton

AN ACT

Relating to Tuscaloosa County, to further amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), as amended by Act No. 83-560, H. 820, 1983 Regular Session (Acts 1983, p. 858), which act deals with the

issuance of pistol permits in certain counties, so as to provide further for fees and renewals.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), as amended by Act No. 83-560, H. 820, 1983 Regular Session (Acts 1983, p. 858), is hereby amended to read as follows:

“Section 1. In Tuscaloosa County, the fee for the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13A-11-75, Code of Alabama 1975, shall be twenty dollars (\$20.00) which shall be collected by the sheriff. Renewal of such permit may be made by signed affidavit in such form as is provided by the sheriff. Such affidavit may be submitted in person or by United States mail.

“Section 2. All such sums collected shall be credited to a special fund or account in the county treasury to be known as the ‘law enforcement fund,’ which shall be used exclusively by the sheriff for law enforcement purposes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:20 P.M.

Act No. 91-360

H. 942 — Rep. Parker (T)

AN ACT

Relating to the City of Tuscaloosa in Tuscaloosa County; authorizing an additional ad valorem tax to be used for general educational purposes and providing for a referendum for approval of the tax by the qualified electors of the city.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, pursuant to subsection (f) of Amendment No. 373 of the Alabama Constitution of 1901, and a resolution heretofore adopted by the City of Tuscaloosa governing body after a public hearing, the governing body is hereby authorized to levy, in addition to any and all other taxes heretofore levied, an additional ad valorem tax on the taxable properties in the city. The city governing body may impose an additional ad valorem tax in the amount of ten (10) mills on each dollar of taxable property in the city. The revenues from said tax shall be paid to

the City Board of Education to be used for general educational purposes.

Section 2. The increase in the rate of said tax as provided for herein shall be subject to the approval of a majority of the qualified electors residing in the city who vote on the proposed increase at a special election called and held for such purposes pursuant to the provisions of subsection (f) of Amendment No. 373 of the Alabama Constitution of 1901.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:22 P.M.

Act No. 91-361

H. 946 — Rep. Bryant

AN ACT

Relating to Perry County; to provide for an additional expense allowance for the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, the county coroner is hereby authorized to receive an expense allowance of \$200.00 per month and a mileage allowance equal to the amount of mileage allowance paid state employees. Said expense and mileage allowances shall be in lieu of other compensation, expense and mileage allowances or benefits granted to the coroner and shall be payable from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:23 P.M.

Act No. 91-362

H. 977 — Rep. Williams

AN ACT

To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Daleville, Alabama, in Dale County are hereby altered, rearranged and extended so as to include in the corporate limits of said municipality, in addition to the land now included, all of the following territory, to-wit:

PARCEL NO. 1. A parcel of land in Dale County, Alabama, and being more particularly described as follows: All of the South half of the NE 1/4 lying West of Claybank Creek, all the East 1/2 of the SE 1/4 lying West of Claybank Creek and North of Tarheel Road in Section 28, T4N, R23E, and that portion of the SW 1/4 lying West of Claybank Creek and North of Tarheel Road, the SW 1/4 of the NW 1/4 lying West of Claybank Creek, Section 27, T4N, R23E.

PARCEL NO. 2. A parcel of land in Dale County, Alabama, and being more particularly described as follows: Section 3, T3N, R23E, the SW 1/4 of the NE 1/4, the East 1/4 of Section 4, T3N, R23E, the East 1/2 of the NE 1/4, the NW 1/4 of the NE 1/4 of Section 9, T3N, R23E, the North 1/2 of the NE 1/4, that portion of the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 lying West of the centerline of Alabama Highway No. 85, the SW 1/4 of the SE 1/4, and the West 1/2 of Section 10, T3N, R23E, the NW 1/4 of Section 11, T3N, R23E, the South 1/2 of the SW 1/4, the NW 1/4 of the SW 1/4 and the NW 1/4 of Section 2, T3N, R23E.

PARCEL NO. 3. A parcel of land in Dale County, Alabama and being more particularly described as follows: The SW 1/4, the South half of the NW 1/4, all that portion of the SE 1/4 lying West of the center of the Choctawhatchee River Section 30, T4N, R24E, the North 1/2 of the NW 1/4, that portion of the South 1/2 of the NW 1/4 lying North of the centerline of U.S. Highway No. 84, that portion of the West 1/2 of the NE 1/4 lying West of the center of the Choctawhatchee River, all of the SE 1/4 lying Southwest of the centerline of U.S. Highway No. 84, Section 31, T4N, R24E, the NE 1/4, the East 1/2 of the NW 1/4, the NW 1/4 of the NW 1/4, the South 1/2 of the SE 1/4, the SE 1/4 of the SW 1/4 lying South of the centerline of U.S. Highway No. 84, the West 1/2 of the SW 1/4 lying North of Cairns Field, that part of the NE 1/4 of the SW 1/4 lying South of the centerline of U.S. Highway No. 84, Section 25, T4N, R23E, the

North 1/2 of the NE 1/4, the NE 1/4 of the NW 1/4 of Section 36, T4N, R23E, that part of the SW 1/4 of the NW 1/4, Section 25, T4N, R23E, not in the city limits of the City of Daleville, Alabama.

Section 2. A map showing the territory above described which is proposed to be annexed to the City of Daleville is on file in the Office of the Judge of Probate, Dale County, Alabama, and in the Office of the Mayor of the City of Daleville, Alabama. This map will be available for public inspection during regular business hours.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:25 P.M.

Act No. 91-363

H. 995 — Rep. Clay

AN ACT

Relating to Bullock County; abolishing the offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner; providing for the election and compensation of such revenue commissioner; and providing for a referendum upon the question of whether a majority of the qualified electors favor a revenue commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1996, upon the approval of a majority of the electors of Bullock County, there is hereby created the office of county revenue commissioner for Bullock County. Such revenue commissioner shall be elected at the general election in 1996 and at the general election every six years thereafter, the same as the tax assessor and tax collector are now elected.

Section 2. The offices of tax assessor and tax collector of Bullock County are hereby abolished effective upon the implementation of this act, and the revenue commissioner shall perform all acts, duties and functions required by law to be performed either by the tax assessor or the tax collector of the county, including, but not limited to, the assessment of all real property for taxation, the

collection of taxes and distribution of taxes according to law, the keeping of records and the making of reports concerning assessments.

Section 3. Subject to the approval of the Bullock County Commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to adequately perform the duties of the office. The acts of the deputies and/or chief clerks shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama and execute a bond in such sum as may be fixed by the Bullock County commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other officials' bonds are conditioned and shall be approved by and filed with the judge of probate of Bullock County. The cost of the bond required herein shall be paid out of the general funds of the county on a warrant of the Bullock County commission, and shall be preferred claim against the county.

Section 5. The Bullock County commission shall provide the necessary offices for the county revenue commissioner and shall provide all stationery, equipment and office supplies, not otherwise furnished by law, necessary for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or are hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of the office, the county revenue commissioner shall receive an annual salary as provided by the laws of the State of Alabama. The salary of the county revenue commissioner shall be payable in equal installments, as are the salaries of other county employees.

Section 7. Should either the offices of tax assessor or tax collector for Bullock County be vacated for any reason whatsoever between the passage of this act and September 30, 1996, the provisions of this act shall become effective immediately with the remaining officeholder acting as county revenue commissioner for the remainder of the term for which he was elected.

Section 8. The purpose of this act is to promote the public convenience in Bullock County by consolidation of the offices of tax assessor and tax collector into one county office.

Section 9. The provisions of this act shall become effective upon the approval of a majority vote of the qualified electors of Bullock County voting in a referendum which shall be held at the same time as the next regular scheduled election subsequent to the passage and approval of this act. The question to be presented at such election shall be substantially as follows: "Do you favor the local law for Bullock County which abolishes the offices of tax assessor and tax collector and establishes a consolidated and unified system of assessment and collection of taxes by the creation of an office of county revenue commissioner? Yes No" If a majority of the electors vote "yes," the provisions of this act shall be implemented. If a majority of those voting vote "no," this act shall be null and void and have no force or effect. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the constitution. Notice of the election shall be given by the county commission. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the results of the election to the secretary of state immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:26 P.M.

Act No. 91-364

H. 693 — Rep. Cullins

AN ACT

Relating to Tallapoosa County; providing for the county commission to reimburse the office of probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the probate judge may charge a fee for invalid checks.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tallapoosa County Commission shall reimburse the office of probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total of two thousand dollars (\$2,000.00) per annum, arising or caused by the acceptance of worthless or forged checks if the acceptance was caused without their personal knowledge.

Section 2. It shall be the duty of the probate judge to ensure that employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said official or any clerk or employee of the office.

Section 3. In cases where a personal check given to the probate judge is found to be invalid, the probate judge is hereby authorized to charge a fee in the amount of \$15.00 for each invalid check.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:28 P.M.

Act No. 91-365

H. 812 — Rep. Holmes

AN ACT

Relating to Montgomery County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; and providing for a referendum thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office, or upon occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Montgomery County. A commissioner shall be elected at the next

general election and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by section 40-5-3 of the Code of Alabama 1975, for tax collectors in Alabama, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary of \$55,000.00, in lieu of any other compensation, salary or fees, payable in equal monthly installments.

Section 7. The offices of the tax assessor and tax collector of Montgomery County are hereby abolished effective the first day of the next term of office, or upon the occurrence of a vacancy in the

office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before October 1 of the next term of office, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform such duties until a county revenue commissioner has been elected as provided herein. For the performance of such duties, he shall be entitled to the salary herein above prescribed for the county revenue commissioner.

Section 8. The provisions of this act shall become operative in Montgomery County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election to be held at the next general election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Shall Act No. ____ of the 1991 Regular Session of the Legislature which provides for the abolition of the offices of tax assessor and tax collector of Montgomery County and the consolidation of the duties of these officers into the one office to be known as the county revenue commissioner, be approved? Yes ____ No ____.”

If a majority of the votes cast at such election are “Yes” votes, then this act shall become effective as provided above. If a majority of the votes cast are “No” votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Montgomery County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 9. It is the purpose of this act to promote the public convenience in Montgomery County by consolidating the offices of tax assessor and tax collector into one office. The property, funds, records, documents, supplies, equipment and other assets of the offices of tax assessor and tax collector shall be transferred upon the first day of the term of the revenue commissioner.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:30 P.M.

Act No. 91-366

H. 826 — Reps. Blakeney, Black (L)

AN ACT

Relating to Choctaw County; equalizing the salaries of the tax assessor and tax collector at the beginning of their next terms of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with their next terms of office, and thereafter, the salaries of the tax assessor and tax collector of Choctaw County shall be equalized at the amount of the greater salary earned by either of such officers.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:31 P.M.

Act No. 91-367

H. 921 — Rep. McKee

AN ACT

To repeal Act No. 80-709, entitled "An Act Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 80-709 entitled "An Act Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing

upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:32 P.M.

Act No. 91-368

H. 899 — Rep. Harper

AN ACT

Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the revenue commissioner, effective October 1, 1991, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1991, the revenue commissioner of Mobile County shall be paid an annual supplemental salary in the amount of \$7,500.00.

Section 2. (a) The said supplemental salary, as above determined, is in addition to the salaries or compensation payable under Section 40-6A-2, Code of Alabama 1975, and shall be paid on a pro rata basis out of the first monies collected each tax year by the revenue commissioner and paid into the general fund of the county. The pro rata share of the supplemental salary to be paid by each fund or agency receiving ad valorem taxes shall be determined by computing the percentage that the total collections for each agency bears to the total collection of ad valorem taxes by the revenue commissioner. Said supplemental salary shall then be paid from the county general fund in twelve (12) equal monthly installments.

(b) The supplemental salary herein provided shall be the total compensation payable to said revenue commissioner in addition to that provided by Section 40-6A-2, Code of Alabama 1975, and shall be in lieu of any salary, expense allowance, per diem or other compensation previously provided by local act to such official.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective October 1, 1991.

Approved July 24, 1991

Time: 3:34 P.M.

Act No. 91-369

H. 909 — Reps. Starkey, Hamilton

AN ACT

To repeal Section 20 of Act No. 79-107, H. 171, of the 1979 Regular Session (Acts 1979, p. 129), relating to Lauderdale County and the office of ex officio license inspector, so as to abolish the ex officio office; to authorize the county commission to appoint the Lauderdale County license inspector pursuant to Section 40-12-10 of the Code of Alabama 1975, as amended; and to specifically provide that the office of county license commissioner shall be preserved as well as the remainder of said Act No. 79-107.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lauderdale County Commission is hereby authorized to appoint the Lauderdale County License Inspector, pursuant to Section 40-12-10 of the Code of Alabama 1975, as amended, who shall serve at the pleasure of the commission. The salary and the expense allowance shall be fixed by the commission. All other provisions of Section 40-12-10 applicable to the duties, powers, and authority of the license inspector and the powers of the county commission shall be applicable in Lauderdale County.

Section 2. Section 20 of Act No. 79-107, H. 171 of the 1979 Regular Session (Acts 1979, p. 129) is hereby specifically repealed.

Section 3. No provision of this act shall be construed to abolish the office of Lauderdale County License Commissioner and the duties and powers prescribed by Sections 1 through 19 and 21 through 22 of Act No. 79-107, H. 171, of the 1979 Regular Session (Acts 1979, p. 129), except as otherwise herein provided; and such provisions shall be construed in pari materia with the provisions of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:35 P.M.

Act No. 91-370

H. 891 — Rep. Zoghby

AN ACT

Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the license commissioner, effective upon the expiration of the current term of office, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the expiration of the current term of office, the license commissioner of Mobile County shall be paid an annual supplemental salary in the amount of \$7,500.00.

Section 2. (a) The said supplemental salary, as above determined, is in addition to the salaries or compensation payable under Section 40-6A-2, Code of Alabama 1975, and shall be paid on a pro rata basis out of the first monies collected each tax year by the revenue commissioner and paid into the general fund of the county. The pro rata share of the supplemental salary to be paid by each fund or agency receiving ad valorem taxes shall be determined by computing the percentage that the total collections for each agency bears to the total collection of ad valorem taxes by the license commissioner. Said supplemental salary shall then be paid from the county general fund in twelve (12) equal monthly installments.

(b) The supplemental salary herein provided shall be the total compensation payable to said license commissioner in addition to that provided by Section 40-6A-2, Code of Alabama 1975, and shall be in lieu of any salary, expense allowance, per diem or other compensation previously provided by local act to such official.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:36 P.M.

Act No. 91-371

H. 887 — Rep. Layson

AN ACT

Relating to Tuscaloosa County; to amend Section 1 of Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), as amended, which provides overtime compensation for certain law enforcement officers, so as to provide further for the officers of the City of Northport.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), as amended, is hereby further amended to read as follows:

“Section 1. Any law enforcement officer in the service of Tuscaloosa County or any city located therein or who is employed under a L.E.A.A. or L.E.P.A. grant, who is assigned to duty for more than eight hours during any one day or for more than forty hours during any calendar week, shall be paid time and one-half for such excess hours worked; or he shall be given time and one-half compensatory leave. In all such cases, it shall be at the sole option of the law enforcement officer whether he shall receive overtime pay or compensatory leave.

“Provided, however, that upon adoption by resolution of the city council of the City of Northport, Alabama, the city may implement the scheduling of four 10-hour shifts per week rather than five 8-hour shifts per week for certain positions in its police department, and any such law enforcement officer so affected, who is assigned to duty for more than ten hours during any one day or for more than forty hours during any calendar week, shall be paid time and one-half for such excess hours worked; or he shall be given time and one-half compensation leave. In all such cases, it shall be at the sole option of the law enforcement officer whether he shall receive overtime pay or compensatory leave. This paragraph of Section 1 shall apply only to those Northport law enforcement officers who are assigned to four 10-hour shifts per week. All other Northport law enforcement officers assigned to five 8-hour shifts shall remain under the first paragraph of Section 1.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:37 P.M.

Act No. 91-372

H. 888 — Rep. Layson

AN ACT

Relating to Tuscaloosa County; to amend Section 4 of Act No. 1225, H. 1498, 1969 Regular Session (Acts 1969, p. 2297), which establishes a Civil Service System for the City of Northport, so as to provide for the ability to compensate members of the Civil Service Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 1225, H. 1498, 1969 Regular Session (Acts 1969, p. 2297), is hereby amended to read as follows:

“Section 4. Organization of Board. The personnel program established by this act shall be administered by the board. The board shall consist of three (3) members who are residents of the city and who shall be appointed by the governing body. No member of the board shall be employed by or be an official of the city, nor hold any elective public office. The composition of the board shall be designated as Place No. 1, Place No. 2, and Place No. 3. The person appointed as a member of the board in Place No. 1 shall serve a term of two (2) years; the person so appointed for Place No. 2 shall serve a term of four (4) years; the person appointed for Place No. 3 shall serve a term of six (6) years. Vacancies occurring during the term shall be filled for the balance of the term by the governing body. Members of the board may, within the sole discretion of the City Council of the City of Northport, be compensated for their services, in such amounts and for such periods as the City Council of the City of Northport shall choose; however, funds shall be provided from the general fund of the city for their reasonable and necessary expenses. The board shall elect from its own members a chairman, a vice chairman and a secretary-treasurer. The board shall meet as often as necessary to carry out the purposes of this act; however, the governing body shall have the right to control the appropriations to the board and to regulate the expenses of the board as it deems necessary. A majority of the members of the board shall be necessary to constitute a quorum for the transaction of business and no action shall be taken without the affirmative

vote of a majority of the quorum present at a meeting. The board, with the approval of the governing body, shall have the right to engage such full or part-time personnel as shall be necessary to carry out the provisions of this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:38 P.M.

Act No. 91-373

H. 855 — Reps. Gaston, Zoghby, Kennedy,
Clark (W), Turner, Kvalheim,
Rockhold

AN ACT

Relating to Mobile County; to provide the administrator of estates an annual county expense allowance of \$6,000.00, effective October 1, 1991, which shall constitute the total compensation payable by the county to said official, in lieu of any local salary, expense allowance, per diem or other compensation previously provided by law to said official.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1991, the administrator of estates of Mobile County shall be paid an annual county expense allowance of \$6,000.00, payable in equal monthly installments from the county general fund.

Section 2. The expense allowance herein provided shall constitute the total compensation payable by Mobile County to the said administrator of estates, in lieu of any salary, expense allowance, per diem or other compensation previously provided by Mobile County to said official.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective October 1, 1991.

Approved July 24, 1991

Time: 3:40 P.M.

Act No. 91-374

H. 844 — Rep. Mathis

AN ACT

Relating to Geneva County; to authorize the County Board of Education, by resolution passed in open session, to increase their monthly expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The Geneva County board of education is hereby authorized and empowered, by resolution passed at an open public session, to increase their monthly expense allowance to an amount not to exceed \$400.00 per member per month.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1991

Time: 3:41 P.M.

Act No. 91-375

H.J.R. 222 — Reps. McKee, Freeman, Dolbare

HOUSE JOINT RESOLUTION

DESIGNATING "SCHOOL SUPPORT PERSONNEL WEEK"
IN ALABAMA.

WHEREAS, thousands of education support personnel are employed by the various city and county boards of education in the State of Alabama; and

WHEREAS, these employees perform such necessary duties as those of school bus drivers, clerical and secretarial workers, custodians, lunchroom workers, teachers' aides, maintenance and mechanical employees, and school crossing and security guards; and

WHEREAS, the services provided by these employees are vital to the health, safety and well-being of all students in the public schools of Alabama; and

WHEREAS, the support personnel in our school systems are loyal and dedicated employees who go beyond the call of duty in the proficient and professional discharge of their responsibilities, and are thereby deserving of appropriate and public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate March 16-20, 1992, and each third week in March annually thereafter, as "School Support Personnel Week" in Alabama, and do further urge that citizens statewide promote and support this annual recognition of said dedicated employees who so greatly contribute to the good of Alabama's educational community.

Approved July 24, 1991

Time: 3:45 P.M.

Act No. 91-376

H.J.R. 226 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.

WHEREAS, it is with warm personal pride and pleasure that the Legislature of Alabama extends heartiest congratulations to the students of Meadowview Elementary School who won top state honors in the "Odyssey of the Mind" competition held in Tuscaloosa, Alabama; and

WHEREAS, the champion Meadowview Elementary School Team consists of students Jenny Norton, Courtney Griffin, Heather Friday, Jarrett Jacobs, Jeff Crum, Keldrick Walker and Charley Brinkley; the team's coaches are Mrs. Kathy Griffin and Mrs. Sherri Crum; and

WHEREAS, Odyssey of the Mind is a competition designed to give our youth the opportunity for experimental search for alternate solutions to difficult problems, thereby enabling them to be prepared, as adults, for an innovative approach to unusually difficult problems in maturity; and

WHEREAS, it is further to be noted that as a result of its first place showing in statewide competition, the Meadowview Elementary School Team qualified for World Olympics in Knoxville, Tennessee, where they will face representatives from the majority of the states and from several other countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Meadowview Elementary School and its coaches, Mrs. Kathy Griffin and Mrs. Sherri Crum, each of whom shall

receive a copy of this resolution in small token of our sincere warm praise and regard.

BE IT FURTHER RESOLVED, That copies also shall be provided for each member of the team and for appropriate display at Meadowview Elementary School.

Approved July 24, 1991

Time: 3:46 P.M.

Act No. 91-377

H.J.R. 227 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.

WHEREAS, it is with warm personal pride and pleasure that the Legislature of Alabama extends heartiest congratulations to the students of Meadowview Elementary School who won top state honors in the "Odyssey of the Mind" competition held in Tuscaloosa, Alabama; and

WHEREAS, the champion Meadowview Elementary School Team consists of students Amy Slauson, Katy Jung, Kate Mange, Bradley Davidson, Emily Thompson, Ryan Doering and Suzanne Smitherman; the team's coaches are Mrs. Ann Jung and Mrs. Linda Slauson; and

WHEREAS, Odyssey of the Mind is a competition designed to give our youth the opportunity for experimental search for alternate solutions to difficult problems, thereby enabling them to be prepared, as adults, for an innovative approach to unusually difficult problems in maturity; and

WHEREAS, it is further to be noted that as a result of its first place showing in statewide competition, the Meadowview Elementary School Team qualified for World Olympics in Knoxville, Tennessee, where they will face representatives from the majority of the states and from several other countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Meadowview Elementary School and its coaches, Mrs. Ann Jung and Mrs. Linda Slauson, each of whom shall receive a copy of this resolution in small token of our sincere warm praise and regard.

BE IT FURTHER RESOLVED, That copies also shall be provided for each member of the team and for appropriate display at Meadowview Elementary School.

Approved July 24, 1991

Time: 3:47 P.M.

Act No. 91-378

H.J.R. 228 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING MORGAN ACADEMY ODYSSEY OF THE MIND TEAM.

WHEREAS, it is with warm personal pride and pleasure that the Legislature of Alabama extends heartiest congratulations to the students of Morgan Academy who won top state honors in the "Odyssey of the Mind" competition held in Tuscaloosa, Alabama; and

WHEREAS, the champion Morgan Academy Team consists of students Mark Luskin, Renee Morgan, Nick Hamner, Lashley Guyton, Nicholas Mielke and Amanda Ashurst; the team's coaches are Mr. Dan Mielke, Mrs. Yvonne Mielke and Mrs. Bonnie Luskin; and

WHEREAS, Odyssey of the Mind is a competition designed to give our youth the opportunity for experimental search for alternate solutions to difficult problems, thereby enabling them to be prepared, as adults, for an innovative approach to unusually difficult problems in maturity; and

WHEREAS, it is further to be noted that as a result of its first place showing in statewide competition, the Morgan Academy Team qualified for World Olympics in Knoxville, Tennessee, where they will face representatives from the majority of the states and from several other countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Morgan Academy and its coaches, Mr. Dan Mielke, Mrs. Yvonne Mielke and Mrs. Bonnie Luskin, each of whom shall receive a copy of this resolution in small token of our sincere warm praise and regard.

BE IT FURTHER RESOLVED, That copies also shall be provided for each member of the team and for appropriate display at Morgan Academy.

Approved July 24, 1991

Time: 3:48 P.M.

Act No. 91-379

H.J.R. 229 — Reps. Zoghby, Box

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM H. ARMBRECHT OF MOBILE, ALABAMA.

WHEREAS, grievously recorded by the Legislature of Alabama is the lamentable death of William H. Armbricht of Mobile, Alabama, on February 2, 1991, at the age of 82 years; and

WHEREAS, a native Mobilian and prominent Alabama attorney, Mr. Armbricht was senior partner in the prestigious law firm Armbricht, Jackson, Demouy, Crowe, Holmes and Reeves; and

WHEREAS, he was director emeritus of AmSouth Bank; member and past president of the Mobile County Bar Association; a member of the Alabama State and American Bar Associations; vice president and director of the Alabama, Tennessee and Northern Railroad from 1944 until his promotion to president in 1950; and was a director of both Robinson Land and Lumber Company, Inc., and the Mobile Chamber of Commerce; and

WHEREAS, also former chairman and director of the First National Bank of Mobile and general counsel for McLean Industries, Mr. Armbricht was a trustee of St. Paul's Episcopal Church and a member of the Kiwanis Club, Athelstan Club, Alpha Tau Omega, Phi Delta Phi and the Mobile Country Club; and

WHEREAS, William H. Armbricht was indeed a leading citizen of his community, and one whose death has left an unfathomable void in the hearts of all those whose lives he touched through service to the good and great benefit of his profession, and to the City of Mobile and citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of William H. Armbricht and extend deepest sympathy to his wife, Mrs. Katherine Armbricht; sons, William, III, and Conrad Armbricht; daughters, Katherine A. Brown, Anna

Bell A. Bru and Clara L. Armbrrecht; and to other family members, for whom a copy of this resolution shall be provided.

Approved July 24, 1991

Time: 3:49 P.M.

Act No. 91-380

H.J.R. 232 — Rep. Holley

HOUSE JOINT RESOLUTION

COMMENDING NEAL MIXSON HARDWICK FOR OUTSTANDING ACHIEVEMENT IN FUTURE BUSINESS LEADERS OF AMERICA.

WHEREAS, the Alabama Legislature most heartily congratulates Neal Mixson Hardwick of New Brockton, Alabama, who won First Place in Accounting II at the Future Business Leaders of America (FBLA) State Conference, April 12-13, 1991, in Montgomery, Alabama; and

WHEREAS, Neal Hardwick, the son of Murray and Sandra Hardwick, and a senior at New Brockton High School, is a student in the Business Department at the Coffee County Area Vocational Center; and

WHEREAS, by virtue of First Place in Accounting II at the State Conference, Neal will represent the Coffee County Area Vocational Center Chapter of FBLA in the Accounting II event at the organization's National Leadership Conference, July 1-4, 1991, in Anaheim, California; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement in FBLA, we hereby most highly commend Neal Mixson Hardwick, in whom we are justly proud and for whom a copy of this resolution shall be provided.

Approved July 24, 1991

Time: 3:50 P.M.

Act No. 91-381

H.J.R. 233 — Rep. Holley

HOUSE JOINT RESOLUTION

COMMENDING SHARON DENISE RODGERS FOR OUTSTANDING ACHIEVEMENT IN FUTURE BUSINESS LEADERS OF AMERICA.

WHEREAS, the Alabama Legislature most heartily congratulates Sharon Denise Rodgers of Brundidge, Alabama, who won First Place in Public Speaking at the Future Business Leaders of America (FBLA) State Conference, April 12-13, 1991, in Montgomery, Alabama; and

WHEREAS, Sharon Rodgers is the daughter of Betty Rodgers and a senior at Zion Chapel High School, Jackson, Alabama; and

WHEREAS, by virtue of First Place in Public Speaking at the State Conference, Sharon will represent the Zion Chapel High School Chapter of FBLA in the Public Speaking event at the organization's National Leadership Conference, July 1-4, 1991, in Anaheim, California; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement in FBLA, we hereby most highly commend Sharon Denise Rodgers, in whom we are justly proud and for whom a copy of this resolution shall be provided.

Approved July 24, 1991

Time: 3:51 P.M.

Act No. 91-382

H.J.R. 235 — Reps. McDowell, Newton (D)

HOUSE JOINT RESOLUTION

COMMENDING EARNEST L. COLVIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.

WHEREAS, the 1991 retirement of Earnest L. Colvin brings to a close a distinguished career as a teacher in the Alabama Public Schools for 32 years, including Prentice High School in Montevallo, Sherman Heights and West End High Schools in Birmingham and, for the past 23 years, at Birmingham's Wilkerson Middle School; and

WHEREAS, a native and resident of Bessemer, Alabama, Earnest Colvin or "Mr. C.," as he is widely known, is a graduate of Alabama State University with a B.S. degree; he also holds the M.A. degree from the University of Alabama, B.Th. degree from Birmingham Baptist Bible College, and has completed additional postgraduate studies at Indiana University; and

WHEREAS, also in service to the Christian Ministry as pastor of Mt. Sinai Baptist Church for 20 years, the Reverend Colvin counts among his religious experience Assistant State Director of Christian Education of the Alabama State Baptist Convention, Dean of

Jefferson County District Association Congress of Christian Education, Coordinator of Mass Choir for Jefferson County District Association, and former Secretary of the Jefferson County District Association; and

WHEREAS, he also is the recipient of such prestigious awards and achievements as Dunbar High School Valedictorian, Omega Psi Phi Scholarship recipient at ASU, 1973 Birmingham Band Director of the Year, first Black member of the University of Alabama band, first Black band director at West End High School, winner of Birmingham Bible College Oratory and Best Greek Student, King of National Conference of Christian Educators (1988-1990) and an Honorary Doctor of Divinity degree from Birmingham Baptist Bible College; and

WHEREAS, we further note that Mr. Colvin's bands received Superior ratings in Birmingham All-City Competition (Concert) for 12 consecutive years, 1980-1991; won Best Band in Class in the National Veterans Day Parade, 1989-1990; had the most Honor Band participants in the Birmingham Christmas Music Festival for 12 consecutive years; and had the Most Medal Winners in All-State Solo Ensemble Contests, 1987-1991; and

WHEREAS, also involved in civic leadership, he is a former JCCEO Board Member; a member of Martintown Civic League, Bessemer Voter's League and Concerned Citizens of Bessemer; and an organizer of Interracial Worship Day for the Bessemer Centennial, among other activities and involvements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement as a teacher in the Alabama Public Schools for 32 years, and as a prominent civic and religious leader, we hereby most highly commend Earnest L. Colvin of Bessemer, Alabama, whom we hold in sincere personal regard, and to whom a copy of this resolution shall be presented.

Approved July 24, 1991

Time: 3:52 P.M.

Act No. 91-383 H.J.R. 236 — Reps. Zoghby, Clark (W), Kennedy, Buskey (JE), Box, Rockhold, Kvalheim, Harper, Gaston, Turner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EMMA KAHALLEY ZOGHBY OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama, in sense of sorrow and regret, records the death of Emma Kahalley Zoghby of Mobile, Alabama, on January 29, 1991; and

WHEREAS, born in 1905 in Mobile and a lifelong resident of that city, Mrs. Zoghby was widely known for her many years of involvement in the religious, charitable, cultural and civic affairs of the community; and

WHEREAS, Mrs. Zoghby also was prominent in the business community, having been associated with her husband, the late George Kaleel Zoghby, in the operation of Zoghby Department Stores in Mobile and Prichard; and

WHEREAS, she was a founding member of Our Lady of Fatima Catholic Church, and was a member as well of the Altar Society; the National Council of Catholic Women; the Ladies of Charity; and the Lebanese American Club of Mobile; and

WHEREAS, Mrs. Emma K. Zoghby was indeed a warm and gracious lady who shared generously of her time and talent to the good of family, community and friends; she was noted for her culinary art, and was equally appreciated for her many selfless acts of kindness and concern: and

WHEREAS, Mrs. Zoghby is survived by her daughters, Sister Frances Zoghby, Sisters of Loretta, Isabel Zoghby Ackels, Miriam T. Zoghby and Cecilia Zoghby; sons, Michael E., Kaleel A. and Raymond J. Zoghby; a brother, Hasep Kahalley; by three sisters-in-law, 20 grandchildren and 16 great grandchildren; and by other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Emma Kahalley Zoghby of Mobile, Alabama, and extend deepest and most heartfelt sympathy to all her family, whose sorrow we share and, for whom, a copy of this resolution shall be provided.

Approved July 24, 1991

Time: 3:53 P.M.

HOUSE JOINT RESOLUTION

COMMENDING LIVINGSTON UNIVERSITY ON THE 1991 GULF SOUTH CONFERENCE SOFTBALL CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates and commends Livingston University on the 1991 Gulf South Conference (GSC) Championship, the Lady Tigers' fourth consecutive softball conference title; and

WHEREAS, under the direction of Head Coach Janet Koenig and Assistant Coach Pam Galbreath, along with trainer Phillip Shaw and manager Tammy McDaniel, the Livingston Ladies closed out the season with a 34-9 record overall; were 24-3 against GSC competition; were ranked in the Top Twenty all year; and were 20th in the final poll; and

WHEREAS, the Lady Tigers also, showing their mettle in the GSC Finals, came out of the losers bracket to defeat Tennessee-Martin twice, 6-3 and 13-3, and had 18 hits in the championship game; and

WHEREAS, bringing their fourth straight conference title home to Livingston University were Lady Tigers: Lori Galloway, pitcher, who was named All-GSC, Academic All-District, and Gulf South Conference Player of the Week for the fourth year in a row during the week of the GSC Tournament; Angie Troncalli, shortstop, All-GSC and Academic All-District; Bobbie Jo Cater, catcher, All-GSC; Mozette Timmons, centerfield, All-South Region; and teammates Ursula Blossom, Melanie Thompson, Cindy Garner, Kaley Kleinpeter, DeAnn Munding, Tammie Dolan, Cindy Wille, Misti Cobb, Christi Wade, Sonya Reynolds and Melissa Sing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement as Gulf State Conference Champions for four consecutive years, we hereby most highly commend the Livingston University Lady Tigers softball team, and direct that copies of this resolution be forwarded to Coach Janet Koenig for appropriate presentation and display at Livingston University.

Approved July 24, 1991

Time: 3:54 P.M.

Act No. 91-385

H.J.R. 171 — Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING MARK FANCHER OF RED BAY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Legislature notes the numerous accomplishments of Mark Fancher, a senior and scholar-athlete at Red Bay High School who, despite a prolonged battle with Hodgkin's Disease, maintains a 3.7 grade point average and is the recent recipient of a prestigious statewide Bryant-Jordan Scholar-Athlete Achievement Award; and

WHEREAS, the 17-year-old son of Jerry and Judy Fancher, Mark is a first-base starter for the Red Bay High School Tigers, batting near the .300 mark for the season; he also, despite an earlier decision to forego his senior season of football, rejoined the team and was a plus factor in the team's 11-3 season which extended to the state playoff semifinals; and

WHEREAS, since achieving remission of his disease in February 1990, and in addition to Tiger baseball and football, Mark also played American Legion Baseball last summer in Booneville, Mississippi, and worked at Smile-A-Mile, a summer camp in Birmingham for children suffering from cancer; and

WHEREAS, Mark Fancher, who is president of the Beta Club, is a member of the First Baptist Church of Red Bay, where his indomitable spirit, optimism and strong faith are an inspiration to other church youths and these sterling attributes impact in kind upon his classmates at Red Bay High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Mark Fancher of Red Bay, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided that he may know of our sincere praise and best wishes for his every future success and well-being.

Approved July 24, 1991

Time: 3:55 P.M.

Act No. 91-386

H.J.R. 172 — Rep. Newton (C)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. JAMES HILLIARD
DUNKLIN, III, OF GREENVILLE, ALABAMA.

WHEREAS, it is with a sense of great loss that the Legislature of Alabama grievously records the tragic death of Dr. James

Hilliard Dunklin, III, of Greenville, Alabama, on March 10, 1991; and

WHEREAS, a distinguished Greenville physician, Dr. Dunklin served the people of his community in family practice for 34 years; and

WHEREAS, a native of Greenville, his family figured prominently in the molding of the Greenville area since the family's arrival from Greenville, South Carolina, in 1818; Dr. Dunklin was a graduate of the public schools of Greenville, the University of Alabama and Tulane University School of Medicine; he served his country in World War II in the Air Force; and

WHEREAS, Dr. Dunklin was also well known for his involvements in numerous civic, cultural and community organizations and was a member and past chairman of the administrative board and trustee of the Woodland Heights Methodist Church; and

WHEREAS, he further was a director of the First National Bank, past president of the Greenville Lions Club, and was an active member of the American Board of Family Practice, the American Medical Association, the Medical Association of Alabama and the Alabama Academy of Family Practice: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the blessing of the life of Dr. James Hilliard Dunklin, III, and extend deepest sympathy to his beloved wife, Mrs. Nancy Rhea Dunklin; daughters, Mrs. Nan Dunklin Hobbs and Mrs. Lynn Dunklin Nielsen; son, James Hilliard Dunklin, IV; and sister, Mrs. Isabel D. Mithen, for whom copies of this resolution of sincere condolence shall be provided.

Approved July 24, 1991

Time: 3:56 P.M.

Act No. 91-387

H.J.R. 173 — Rep. Blakeney

HOUSE JOINT RESOLUTION

COMMENDING THE DEMOPOLIS ACADEMY GENERALS ON THEIR STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily commends Demopolis Academy on the State Class 1A Football Championship in Alabama Independent School Association (AISA) competition; and

WHEREAS, under the talented direction and leadership of Dr. John Niblett, Head Coach, and Assistant Coaches Terry Johnson and Dereck Morrison, the Demopolis Academy Generals posted a perfect 10-0 season record, with a total of 340 points to just 72 for their opponents; and

WHEREAS, the Generals, in the State Play-offs, made a clean sweep in shut-outs, beating Fort Dale 52-0, Springwood 32-0, and Catherine 27-0 in the finals to claim the Championship for Demopolis Academy; and

WHEREAS, the 1991 Championship Generals, each of whom contributed greatly to the Academy's fantastic season and State Title, are Tim Vann, Roger Hoggle, Bill Duke, Jimmy Davis, Billy Joe Webb, Adam Pearson, James Brietling, David Huckabee, Wayne Ray, Tony Nelson, Rob Pearson, John Mayton, Jason Johnson, Eric Pearson, Freddie Webb, Brent King, Brian Fortner, Andy Phillips, Bobby Malone, David Vann, Matt Champion, Josh Niblett, Phillip Carroll and Russell Copeland; now therefore, .

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the 1A State Football Champions of Demopolis Academy, and do further direct that copies of this resolution be forwarded to Coach Niblett for appropriate presentation and school display.

Approved July 24, 1991

Time: 3:57 P.M.

Act No. 91-388

H.J.R. 215 — Reps. McClain, Rogers (J)

HOUSE JOINT RESOLUTION

HONORING JERRY D. AND GLADYS COLEMAN OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED SERVICE TO EDUCATION AND TO THE COMMUNITY.

WHEREAS, the Alabama Legislature notes with highest commendation and esteem the numerous and notable accomplishments of Jerry D. and Gladys Coleman of Fairfield, Alabama, in service to their profession and to the community in areas of civic, religious and political concern; and

WHEREAS, both Mr. and Mrs. Coleman, prior to retirement, were numbered among Alabama's most prominent and dedicated

educators whose longtime careers were a credit to their profession; and

WHEREAS, their guidance and astute leadership also impacted greatly, and to the good, upon countless young students whose lives they touched through instruction, counsel and friendship; and

WHEREAS, in addition, however, to their career responsibilities, they have been equally as dedicated in service to the community; both Jerry Coleman, a longtime Fairfield City Councilman, and Mrs. Coleman have actively participated in the civic, religious and political affairs of Fairfield, and these activities, as well as other endeavors, have continued in their retirement from professional life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding career accomplishments and contributions to the teaching profession and to community affairs, we hereby most highly commend Jerry D. and Gladys Coleman, to whom a copy of this resolution of sincere praise and esteem shall be presented.

Approved July 24, 1991

Time: 3:58 P.M.

Act No. 91-389

H.J.R. 218 — Reps. Williams, Penry

HOUSE JOINT RESOLUTION

COMMENDING JIMMY JUNKINS OF GULF SHORES, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Legislature of Alabama most heartily congratulates Jimmy Junkins of Gulf Shores, Alabama, who has been recognized by the Baldwin County Association of Realtors as the county's top real estate salesman with more than 6 1/2 million dollars in sales for 1990; and

WHEREAS, Mr. Junkins, whose sales' total far exceeded that of any other single realtor in Baldwin County, is indeed an exceptional agent whose achievement reflects his solid background in sales, his willingness to work many long hours on the job, and his ability to create opportunities for success; and

WHEREAS, a native of Gadsden, Alabama, Mr. Junkins moved to Gulf Shores in 1985 and, in great foresight, realized the outstanding

growth potential of South Baldwin County, despite the area's depressed economy following a five-year building boom; and

WHEREAS, in view of his success of the past several years, it is anticipated that Mr. Junkins' enthusiastic attitude and unfailing optimism will result in many more years of professional achievement, and that he will continue to play an important role in the growth and progress of the Gulf Shores area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and as Baldwin County's top real estate salesman for 1990, we hereby most highly commend Jimmy Junkins of Gulf Shores, Alabama, for whom a copy of this resolution of sincere regard shall be provided.

Approved July 24, 1991

Time: 4:00 P.M.

Act No. 91-390

H.J.R. 219 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING LEE INGRAM AND LESLIE NELSON FOR OUTSTANDING HEROISM.

WHEREAS, it is the desire of the Alabama Legislature to herein pay tribute to the courage of two young residents of Selma, Alabama, whose heroic actions have been credited with saving the lives of Mable Clair and Minnie Kay Smith, who were trapped in their home by a fire resulting from the explosion of a fuse box during a sudden and violent thunderstorm; and

WHEREAS, Leslie Nelson and Lee Ingram, junior classmates at Morgan Academy, were driving past the home when they noticed smoke billowing from the attached carport and utility room; stopping immediately to investigate the cause of the smoke, they ran first in search of a hose to extinguish the flames; and

WHEREAS, upon realizing that the elderly sisters were inside, the boys helped them from the house, got them into their car, and backed clear of the carport just moments before the entire area was engulfed in flames; and

WHEREAS, both Lee Ingram and Leslie Nelson, throughout the sequence of events, were in clear and imminent danger of

grave personal injury and/or the loss of their lives but, in great courage, equanimity and maturity beyond their years, they never once considered abandoning the Misses Smith, who were unable to move swiftly or run due to infirmities of age, and the further dependence of Miss Minnie Kay Smith upon a walker when moving about; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Leslie Nelson and Lee Ingram of Selma, Alabama, who have distinguished themselves through valor at the risk of their lives, and do further direct that they each receive a copy of this resolution, executed in highest admiration and esteem.

Approved July 24, 1991

Time: 4:01 P.M.

Act No. 91-391

H.J.R. 220 — Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING MELVIN E. SUMMERLIN OF SELMA, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama notes the distinguished career of Melvin E. Summerlin as a member of the Selma Police Department from 1952-1991; and

WHEREAS, Melvin Summerlin joined the Selma Police Department as a beat officer on July 5, 1952, thereby beginning an outstanding tenure that was to span nearly four decades until his retirement, effective June 1, 1991; and

WHEREAS, Melvin Summerlin, who was promoted to sergeant October 27, 1966, thereafter rose rapidly through the ranks to lieutenant on March 1, 1973, to captain on June 16, 1977, and to Chief of Police on July 16, 1982; and

WHEREAS, for the past nine years, Chief Summerlin has provided the department with outstanding leadership and, in the discharge of the duties and responsibilities of the office, has worked diligently to safeguard the lives and property of the citizens of Selma; and

WHEREAS, Chief M. E. Summerlin is indeed one of Alabama's most prominent law enforcement officials, and one who has served

long and well in his charge to defend the peace and uphold the law to the good and well-being of the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service as an officer and Chief of Police for the City of Selma, Alabama, 1952-1991, we hereby commend Melvin E. Summerlin, and do further direct that he receive a copy of this resolution, executed in highest regard and best wishes for every future success and happiness in life.

Approved July 24, 1991

Time: 4:02 P.M.

Act No. 91-392

H.J.R. 141 — Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING TAMIEKIA LASHAE BONNER OF CITRONELLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, Tamielia Lashae Bonner of Citronelle, Alabama, a student at Citronelle Middle School, is an outstanding young lady who has amassed numerous awards and accolades during her middle school years; and

WHEREAS, an A/B Honor Roll student all three years, she was voted "Class Favorite" in the sixth grade; in the seventh grade, she was Homecoming Maid and was the first Black in several years to be inducted into the National Honor Society; and

WHEREAS, also as a seventh grade student, Miss Bonner was a member of the Southeastern Consortium for Minorities in Engineering (SECME); placed 2nd and 3rd in two of three events of SECME competition on the local level; placed 3rd in two of three events in SECME competition on the state level; was named SECME Student of the Year at Citronelle Middle School and received a Certificate of Recognition for outstanding participation in the consortium program; and

WHEREAS, Miss Bonner, during her eighth grade year, has further most notably achieved through such honors and accomplishments as Junior Varsity Cheerleader, National Honor Society, Student Council Parliamentarian, yearbook and newspaper staff, Campus Standout (Mobile Press Register), SECME president, Class Favorite, Most Likely to Succeed, second place in two of three

events in local SECME competition; and the Superintendent's Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Tamielia Lashae Bonner of Citronelle, Alabama, and direct that she receive a copy of this resolution, executed in sincere praise of her accomplishments.

Approved July 24, 1991

Time: 4:03 P.M.

Act No. 91-393

H.J.R. 152 — Reps. Smith (C), Turnham,
Powell, Venable

HOUSE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY FACULTY MEMBERS DALE L. HUFFMAN, W. RUSSELL EGBERT, AND JOHN E. DUNKELBERGER; GRADUATE STUDENTS KYLE B. BULLOCK, CHIAO-MIN CHEN, KARLA KASABACK, MARTHA VEALE LIU, AND DOUGLAS SUMMERFORD; AND THE ALABAMA AGRICULTURAL EXPERIMENT STATION, THE COLLEGE OF AGRICULTURE, AND THE DEPARTMENT OF ANIMAL AND DAIRY SCIENCES.

WHEREAS, AU Lean ground beef was developed in research at Auburn University; and

WHEREAS, AU Lean is 91 percent fat free and has 40 percent fewer calories than traditional ground beef; and

WHEREAS, AU Lean's flavor and other sensory properties are equal to traditional ground beef; and

WHEREAS, AU Lean offers opportunities for significant health benefits to American diets; and

WHEREAS, AU Lean has been adopted for sale as the McLean Deluxe by McDonald's and is already being marketed in selected food chains in the United States; and

WHEREAS, AU Lean has received the stamp of approval from food editors of national and regional magazines and newspapers; and

WHEREAS, AU Lean is being evaluated for inclusion in the USDA National School Lunch Program and for sale at Disneyworld; and

WHEREAS, AU Lean offers the potential for expanded markets for Alabama-produced beef; and

WHEREAS, the National Livestock and Meat Board and the Alabama Cattlemen's Association recognized the expertise of Auburn University's meat science programs and assisted with funding of the Alabama Agricultural Experiment Station project that developed AU Lean; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Auburn University faculty members Dale L. Huffman, W. Russell Egbert, and John E. Dunkelberger; graduate students Kyle B. Bullock, Chiao-Min Chen, Karla Kasaback, Martha Veale Liu, and Douglas Summerford; and the Alabama Agricultural Experiment Station, the College of Agriculture, and the Department of Animal and Dairy Sciences for outstanding achievement in the development of AU Lean, which has received national acclaim for its significant benefit to the health and well-being of the American public.

BE IT FURTHER RESOLVED, That in recognition of said accomplishment and in gratitude for the fame and honor it has brought to the State of Alabama, copies of this resolution shall be provided for presentation to the hereinabove named individuals and to the Alabama Agricultural Experiment Station, the College of Agriculture and the Department of Animal and Dairy Sciences of Auburn University.

Approved July 24, 1991

Time: 4:04 P.M.

Act No. 91-394

H.J.R. 153 — Reps. Carothers, Mathis,
Beasley

HOUSE JOINT RESOLUTION

COMMENDING HOUSTON ACADEMY'S BASKETBALL TEAMS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama commends the Houston Academy Raiders and Lady Raiders on the spectacular success of the 1991 basketball season and their achievement in state competition; and

WHEREAS, under Coach Lowell Eudy, the Houston Academy Raiders posted an outstanding 20-13 record, overall, and in the

Alabama High School Athletic Association (AHSAA) State Playoffs, captured the State Class 1A Boys Basketball Championship; and

WHEREAS, the Lady Raiders, led to the State Playoffs and a fantastic 29-2 overall record by Coach Jeff Hale, were Runners-up to the State Title in the AHSAA Girls Basketball Competition; and

WHEREAS, the Champion Raiders, each of whom greatly contributed to the success of the 1991 season and the State 1A Title, are Victor Newman, Aaron Jones, Clay Adams, Curt Stuckey, Kyle Wise, Ray Hix, George Liddon, Charlie Parrish, Scott Walker, Billy Ernst and Clay Lowrey, along with team managers Neil Pratt, Jeremy Eudy and Jake McCord; and

WHEREAS, the talented Lady Raiders and Runners-up to the State Championship are Carlee Bevis, Kit Andrews, Elizabeth Rollins, Marianna Paredes, Amy Grace, Mary Beth Cobb, Amy Adams, Jaime Head, Valerie Rogers, Anna Armstrong, Ashley Maddox and Kaira King; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate and commend the Houston Academy Raiders and Lady Raiders, coaches and staffs, and do further direct that copies of this resolution be provided to Headmaster John P. O'Connell, Jr., for the purpose of appropriate presentation and school display.

Approved July 24, 1991

Time: 4:05 P.M.

Act No. 91-395

H.J.R. 164 — Rep. White

HOUSE JOINT RESOLUTION

COMMENDING DALE T. GARNER OF BREWTON, ALABAMA, ON HIS OUTSTANDING CAREER IN THE FIELD OF EDUCATION.

WHEREAS, Dale T. Garner, retiring Superintendent of the Brewton City School System, has distinguished himself in service to education and the Brewton City Schools from 1959-1991; and

WHEREAS, a native of Gadsden, Mr. Garner earned his B.S. degree from Jacksonville State University and a Master's degree from the University of Alabama; and

WHEREAS, Mr. Garner, a former teacher at Gadsden's Emma Sansom High School (1959-64) and principal of T. R. Miller High School in Brewton (1964-66), became Superintendent of the Brewton City School System in 1966, serving continuously in this capacity for the past 25 years; and

WHEREAS, throughout his tenure as Superintendent, Mr. Garner has been instrumental in the progressive, quality education provided to students in the Brewton Schools and, under his leadership, the System has gained statewide regard for its focus on academic excellence coupled with outstanding achievement in music, art and athletics; and

WHEREAS, he has further extended his involvement to include membership and/or office in a number of professional organizations on local, state and national levels, and has been recognized on many occasions for distinguished educational leadership; and

WHEREAS, Dale T. Garner has indeed long and well served the education community and, upon retirement, is to be praised for the accomplishments and contributions of his career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dale T. Garner for outstanding service to education and the Brewton City Schools, and direct that he receive a copy of this resolution, executed in highest regard and with best wishes for every future success and happiness in retirement.

Approved July 24, 1991

Time: 4:06 P.M.

Act No. 91-396

H.J.R. 166 — Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING JAMES MARTIN OF TUSKEGEE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, herein noted and recognized with highest commendation are the numerous and notable professional accomplishments of James Martin of Tuskegee, Alabama, as educator and coach since 1966; and

WHEREAS, a native of Montgomery and a graduate of that city's Carver High School, James Martin received his B.S. degree from Alabama A&M University and completed extensive post graduate studies in the Doctor of Education program at the University of Alabama; and

WHEREAS, Coach Martin, who has served since 1984 as Director of Athletics and Head Football Coach at Tuskegee University, not only has greatly achieved professionally, but has contributed significantly both to his profession and the community through such distinguished service as Associate Lay Leader at Bowen United Methodist Church; as Advisor to the Fellowship of Christian Athletics and NCAA Volunteers for Youth; as chairman of the NCAA Central Region and the Southern Intercollegiate Athletic Conference (SIAC) Baseball Committees; and through membership and activities of Kappa Alpha Psi Fraternity; and

WHEREAS, in recognition of his many achievements and outstanding service, Coach Martin is the recipient of numerous honors, including 1978 Team Leader for Division II, NCAA All-American Baseball Team; SIAC Baseball Coach of the Year six times from 1974-1983; SIAC Football Coach of the Year and 100% Wrong SIAC Football Coach of the Year, both in 1987; and, for 1990, was named SIAC Football Coach of the Year, Washington Pigskin Club SIAC Football Coach of the Year, and Birmingham Grid Forecaster Sports Celebrity of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Coach James A. Martin of Tuskegee University, for whom a copy of this resolution of sincere honor and esteem shall be provided.

Approved July 24, 1991

Time: 4:07 P.M.

Act No. 91-397

H.J.R. 167 — Rep. Millican

HOUSE JOINT RESOLUTION

COMMENDING TONYA TICE OF HAMILTON, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, in a desire to recognize young Alabamians of extraordinary achievement, the Alabama Legislature notes the numerous and notable accomplishments of Tonya Tice, a senior at Hamilton High School and Miss Basketball in Alabama for the 1990-91 season; and

WHEREAS, she excelled in the classroom as well as on the hardwood, having been named to the All-State Academic Team with a 4.0 GPA and a class ranking of seventh; and

WHEREAS, Miss Tice is the recipient of a Bryant-Jordan Student-Athlete Achievement Award and has signed a basketball scholarship with the Auburn University Lady Tigers; and

WHEREAS, a partial listing of her athletic achievements included Most Valuable Player in 3 state tournaments, a career average of 20 points per game and membership on the Converse All-American Team for 1990-91; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Tonya Tice of Hamilton, Alabama, on her outstanding academic and athletic achievements and direct that a copy of this resolution be sent to Miss Tice and to the Athletic Department of Hamilton High School.

Approved July 24, 1991

Time: 4:08 P.M.

Act No. 91-398

H.J.R. 168 — Rep. Millican

HOUSE JOINT RESOLUTION

COMMENDING CHET FRAZIER OF BRILLIANT, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, Chet Frazier, a senior at Brilliant High School, has distinguished himself as an outstanding student athlete who is salutatorian of his senior class, first team All-State in football, and recipient of a Bryant-Jordan Student-Athlete Achievement Award; and

WHEREAS, Since kindergarten, Chet has excelled in all challenges placed before him, having been double promoted from the second to the fourth grade and continuing, thereafter, an uninterrupted record of academic excellence which culminated in a 4.0 GPA through high school, and an ACT score of 28; and

WHEREAS, he is a leader in all endeavors, having gained the admiration and respect of his teachers, family, peers, church and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic and athletic achievement, we hereby commend Chet Frazier of Brilliant, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to George A. Wideman, Principal of Brilliant High School.

Approved July 24, 1991

Time: 4:09 P.M.

Act No. 91-399

H.J.R. 170 — Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING TIMOTHY D. BARNETT OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, Timothy D. Barnett, a senior at Phillips High School in Bear Creek, Alabama, has distinguished himself as an outstanding student athlete by maintaining a 3.88 GPA, while earning All-State honors in both football and basketball; and

WHEREAS, he is a recipient of a Bryant-Jordan Student-Athlete Achievement Award and has accepted a football scholarship to the University of Alabama after being named to the Dynamite Dozen for football recruiting by the Montgomery Advertiser; and

WHEREAS, Tim Barnett's leadership qualities are reflected in the numerous activities he participated in away from the athletic arenas including Senior Class Vice President, President of Beta Club and Who's Who Among American High School Students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic and athletic achievement, we hereby commend Timothy D. Barnett of Haleyville, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to the Athletic Department of Phillips High School, Bear Creek, Alabama.

Approved July 24, 1991

Time: 4:10 P.M.

Act No. 91-400

H.J.R. 92 — Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING GENERAL COLIN L. POWELL, CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

WHEREAS, by appointment of President Bush, General Colin L. Powell serves as the twelfth Chairman of the Joint Chiefs of Staff, Department of Defense, and in this capacity is the principal military advisor to the President, the Secretary of Defense, and the National Security Council; and

WHEREAS, General Powell, a native of New York City, graduated from City College of New York in 1951 and was commissioned a Second Lieutenant in the Regular Army through the Reserve Officer Training Corps program; and

WHEREAS, following Infantry Officer's Basic Training, and Airborne and Ranger Schools, he was assigned to Germany, where he served as a Platoon Leader, Executive Officer and Rifle Company Commander; he was sent to Vietnam in late 1962, as an Advisor to a Vietnamese Infantry Battalion, and returned in 1968, serving as an Infantry Battalion Executive Officer and Assistant Chief of Staff, G-3, 23rd Infantry Division; and

WHEREAS, in 1971, he earned a Master of Business Administration Degree from George Washington University and, in 1972, was selected to be a White House Fellow, serving his fellowship year as Special Assistant to the Deputy Director of the Office of the President; and

WHEREAS, General Powell, in 1973, assumed command of the 1st Battalion, 32d Infantry in Korea and, upon completion of the National War College in 1976, assumed command of the 2d Brigade, 101st Airborne Division at Fort Campbell, Kentucky; and

WHEREAS, General Powell returned to Washington in 1977 to serve in the Immediate Office of the Secretary of Defense where,

over the next three years, he was Senior Military Assistant to the Deputy Secretary of Defense and, for a brief period in 1979, Executive Assistant to the Secretary of Energy; and

WHEREAS, General Powell then became the Assistant Division Commander for Operations and Training, 4th Infantry Division, Fort Carson, Colorado, from 1981 to 1983, at which time he again returned to Washington to serve as Senior Military Assistant to Secretary of Defense Caspar W. Weinberger; in July 1986, he assumed command of the V U.S. Corps in Frankfurt and, prior to his current assignment, served as Commander in Chief, Forces Command, headquartered in Atlanta, Georgia, and also served as Assistant to the President for National Security Affairs from December 1987 to January 1989; and

WHEREAS, General Colin L. Powell has indeed enjoyed a distinguished military career and is the recipient of numerous awards and decorations including the Defense Distinguished Service Medal with two Oak Leaf Clusters, the Distinguished Service Medal (Army), the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal, the Air Medal, the Joint Service Commendation Medal, the Army Commendation Medal with two Oak Leaf Clusters and the Purple Heart, among others; additionally he has received the President's Citizens Medal and both the Secretary of State and the Secretary of Energy Distinguished Service Medals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Colin L. Powell who, as Chairman of the Joint Chiefs of Staff, holds our nation's highest military office.

BE IT FURTHER RESOLVED, That in token of our sincere admiration and highest praise, a copy of this resolution shall be provided for General Powell.

Approved July 24, 1991

Time: 4:11 P.M.

Act No. 91-401

H.J.R. 96 — Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING JUDY CROCKETT OF MONTGOMERY'S THOMAS HEAD ELEMENTARY SCHOOL, RECIPIENT OF ALABAMA'S OUTSTANDING LD TEACHER AWARD.

WHEREAS, in sincere commendation, the Legislature of Alabama notes the prestigious professional recognition accorded Judy Crockett of Thomas Head Elementary School in Montgomery through the presentation of "Outstanding LD Teacher" award for the State of Alabama; and

WHEREAS, this high honor is bestowed annually by the Learning Disabilities Association of Alabama to the teacher whose "compassion, concern and professionalism contributed most towards the further development of the emotional well-being and educational advancement of the LD student"; and

WHEREAS, Mrs. Crockett is indeed a very dedicated teacher who, in firm commitment of purpose, works diligently with her students to assure their advancement to maximum potential, both educationally and emotionally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and in gratitude for her contributions to the needs of LD students, we hereby most highly commend Judy Crockett of Montgomery, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved July 24, 1991

Time: 4:12 P.M.

Act No. 91-402

H.J.R. 98 — Rep. Layson

HOUSE JOINT RESOLUTION

HONORING THE AMERICAN TREE FARM SYSTEM ON THE CELEBRATION OF ITS 50TH ANNIVERSARY.

WHEREAS, the American Tree Farm System is largely responsible for the reforestation of the United States; and

WHEREAS, the American Tree Farm System advocates the planting of both hardwood and softwood; and

WHEREAS, the American Tree Farm System promotes wild-life and recreational benefits for mankind; and

WHEREAS, tree farming has enhanced the natural beauty of the State of Alabama; and

WHEREAS, the State of Alabama had the first private, non-industrial tree farm in the nation; and

WHEREAS, the planting of trees aids in the fight against soil erosion; and

WHEREAS, individuals, as well as corporate entities, are members of the American Tree Farm System; and

WHEREAS, the American Tree Farm System has increased our awareness of the environmental and economic benefits of tree farming; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the American Tree Farm System is hereby commended for its efforts which have largely resulted in the reforestation of this country.

BE IT FURTHER RESOLVED, That upon the adoption of this resolution, a copy thereof shall be prepared for presentation to the Alabama Forestry Association.

Approved July 24, 1991

Time: 4:14 P.M.

Act No. 91-403

H.J.R. 118 — Rep. Holladay

HOUSE JOINT RESOLUTION

COMMENDING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THE 1991 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Lady Panthers of Pell City High School as our 1991 State Class 5A Basketball Champions; and

WHEREAS, under the talented leadership and direction of Coach Joyce Beaty and Assistant Coaches Freida Emmanuel and Joe Fuller, the Pell City Ladies travelled to the State Playoffs with a will to win and, not to be denied, systematically and handily dealt with Ramsay (64-32), Pinson Valley (73-35), John Carroll (101-34), Gadsden (81-41) and Homewood (79-50); and

WHEREAS, the Lady Panthers then faced Williamson High School in the semifinals which ended 62-50 to place Pell City against Hamilton High for the State Title; and

WHEREAS, following a decisive 87-54 victory in the Championship game, the Lady Panthers, who proudly claimed the State 5A

Crown for Pell City, were Paige McMahon, Wendy Ely, Misty Fuller, Alecia Green, Amy Golden, Brooke Jolley, Tara Stuart, Tawana Gover, Phaith Frazier, Chrissa Freeman and Lauren Sippola, along with statistician Lydia Hughes and team managers Mary Speer and Jean Speer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate and commend the Pell City High School Lady Panthers and their coaches on the 1991 State Class 5A Basketball Championship, and do further direct that copies of this resolution be forwarded to Pell City principal Tommy Gilbert for appropriate presentation and school display.

Approved July 24, 1991

Time: 4:15 P.M.

Act No. 91-404

H.J.R. 119 — Rep. Anderson

HOUSE JOINT RESOLUTION

COMMENDING THE DECATUR HIGH SCHOOL LADY RED RAIDERS ON THE 1991 STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Decatur High School Lady Red Raiders who, as defending Champions, captured the State Class 6A Girls' Basketball Championship for the second consecutive year; and

WHEREAS, the Lady Red Raiders, who travelled to State under the talented direction and leadership of Head Coach Mike Smith and Assistant Coach Denice Allen, downed Carver of Montgomery (53-47) and Wenonah (73-53), in the semifinals and finals respectively, to claim back-to-back State Titles for Decatur High; and

WHEREAS, we further note the Decatur High Ladies, ranked number one in the State the entire season, were number seven in the nation in the final ranking of USA TODAY; and

WHEREAS, contributing greatly to the 1991 championship season were Lady Red Raiders Yolanda Watkins, two-time First Team Parade All-American, and three-time First Team All-State; Courtney Trimble, captain; Shondra Fuller, two-time Second Team All-State, who set a State Tournament scoring record of 92 points in two games; along with talented teammates Nikki Black, Nina Burleson, Rosie Wallace, Karen Estes, Wendy Wallace, Kim Dover, Ginny Ozier, Melissa Bailey, Joyce Brannon and Patreece Jones;

and Tammi Balbuena, Sally Balbuena, Jennifer Bentley and Julie Hyatt, rotating as team managers and statisticians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as both the 1990 and 1991 State Class 6A Girls' Basketball Champions, we hereby most highly commend the Lady Red Raiders of Decatur High School, and do further direct that copies of this resolution be provided for appropriate presentation and display at Decatur High School.

Approved July 24, 1991

Time: 4:16 P.M.

Act No. 91-405

H.J.R. 122 — Rep. McKee

HOUSE JOINT RESOLUTION

CONGRATULATING ANITA TATUM OF MONTGOMERY, ALABAMA, FOR OUTSTANDING PUBLIC SERVICE

WHEREAS, Anita Tatum of Montgomery, Alabama, served seven years on the Montgomery County Board of Registrars; and

WHEREAS, during this time Mrs. Tatum was instrumental in establishing and implementing procedures for voter reidentification, working in a spirit of cooperation with all interested parties and agencies which resulted in purging over 47,000 invalid names from the county voting lists; and

WHEREAS, her exemplary conduct earned her the respect of all citizens; and

WHEREAS, Mrs. Tatum served as president of the Alabama Association of Boards of Registrars for two years, working tirelessly and unselfishly to advance the interests of that organization; and

WHEREAS, she has served as Director of Voter Registration for the State of Alabama since January 1, 1989; and

WHEREAS, in all her activities, she has exhibited an extraordinary degree of dedication and commitment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Anita Tatum for her many years of outstanding public service and request that a copy of this resolution be sent to her.

Approved July 24, 1991

Time: 4:17 P.M.